

HB0253S01 compared with HB0253

{Omitted text} shows text that was in HB0253 but was omitted in HB0253S01

inserted text shows text that was not in HB0253 but was inserted into HB0253S01

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Agriculture and Food Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses issues related to the regulation, oversight, or encouragement of agriculture and food.

Highlighted Provisions:

This bill:

- ▶ modifies the definition of "qualified veterinarian";
- ▶ changes references to the National Council on Weights and Measures;
- ▶ changes the Utah Fertilizer Act to the Utah Plant Food Act, including modifying definitions and making conforming references;
- ▶ repeals the Utah Agriculture Certificate of Environmental Stewardship Program;
- ▶ changes the time frames for annual fees under the Agricultural and Wildlife Damage Prevention Act;
- ▶ addresses the expiration of livestock brands;
- ▶ modifies information to be provided to operate a livestock market;
- ▶

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amends the Domesticated Elk Act to address licensing, record retention, health information, and marking of domesticated elk;

- 20 ▶ clarifies that money in the LeRay McAllister Working Farm and Ranch Fund Program is nonlapsing;
- 22 ▶ changes the Agriculture Conservation Easement Account to an expendable special revenue fund;
- 24 ▶ addresses use of money in the Agriculture Resource Development Fund to pay administrative costs;
- 26 ▶ **addresses regulation of livestock by political subdivisions;**
- 26 ▶ modifies the earmarking of sales and use taxes related to the Division of Conservation within the Department of Agriculture and Food;
- 28 ▶ addresses grants under the agricultural water optimization program; and
- 29 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 None

36 **AMENDS:**

37 **3-1-4** , as last amended by Laws of Utah 2010, Chapter 324 , as last amended by Laws of Utah 2010, Chapter 324

38 **4-2-305** , as enacted by Laws of Utah 2017, Chapter 86 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 345 , as enacted by Laws of Utah 2017, Chapter 86 and last amended by Coordination Clause, Laws of Utah 2017, Chapter 345

40 **4-2-901** , as last amended by Laws of Utah 2024, Chapter 91 , as last amended by Laws of Utah 2024, Chapter 91

41 **4-9-106** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and amended by Laws of Utah 2017, Chapter 345

42 **4-9-107** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and amended by Laws of Utah 2017, Chapter 345

43 **4-9-108** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and amended by Laws of Utah 2017, Chapter 345

44 **4-9-109** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and amended by Laws of Utah 2017, Chapter 345

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- 45 **4-13-102** , as last amended by Laws of Utah 2023, Chapter 528 , as last amended by Laws of Utah
2023, Chapter 528
- 46 **4-13-103** , as last amended by Laws of Utah 2020, Chapter 311 , as last amended by Laws of Utah
2020, Chapter 311
- 47 **4-13-104** , as last amended by Laws of Utah 2020, Chapter 311 , as last amended by Laws of Utah
2020, Chapter 311
- 48 **4-13-105** , as last amended by Laws of Utah 2020, Chapter 311 , as last amended by Laws of Utah
2020, Chapter 311
- 49 **4-13-106** , as last amended by Laws of Utah 2020, Chapter 311 , as last amended by Laws of Utah
2020, Chapter 311
- 50 **4-13-108** , as last amended by Laws of Utah 2020, Chapter 311 , as last amended by Laws of Utah
2020, Chapter 311
- 51 **4-13-109** , as last amended by Laws of Utah 2020, Chapter 311 , as last amended by Laws of Utah
2020, Chapter 311
- 52 **4-13-110** , as enacted by Laws of Utah 2020, Chapter 311 , as enacted by Laws of Utah 2020,
Chapter 311
- 53 **4-18-102** , as last amended by Laws of Utah 2022, Chapter 68 , as last amended by Laws of Utah
2022, Chapter 68
- 54 **4-18-103** , as last amended by Laws of Utah 2023, Chapter 144 , as last amended by Laws of Utah
2023, Chapter 144
- 55 **4-18-106** , as last amended by Laws of Utah 2023, Chapters 126, 144 , as last amended by Laws of
Utah 2023, Chapters 126, 144
- 56 **4-23-107** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and
amended by Laws of Utah 2017, Chapter 345
- 57 **4-24-202** , as last amended by Laws of Utah 2022, Chapter 79 , as last amended by Laws of Utah
2022, Chapter 79
- 58 **4-30-105** , as last amended by Laws of Utah 2020, Chapter 154 , as last amended by Laws of Utah
2020, Chapter 154
- 59 **4-39-203** , as last amended by Laws of Utah 2017, Chapter 345 , as last amended by Laws of Utah
2017, Chapter 345
- 60

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- 61 **4-39-205** , as last amended by Laws of Utah 2018, Chapter 355 , as last amended by Laws of Utah
2018, Chapter 355
- 62 **4-39-206** , as last amended by Laws of Utah 2017, Chapter 345 , as last amended by Laws of Utah
2017, Chapter 345
- 63 **4-39-301** , as last amended by Laws of Utah 2017, Chapter 345 , as last amended by Laws of Utah
2017, Chapter 345
- 64 **4-39-303** , as last amended by Laws of Utah 2024, Chapter 71 , as last amended by Laws of Utah
2024, Chapter 71
- 65 **4-39-304** , as last amended by Laws of Utah 2018, Chapter 355 , as last amended by Laws of Utah
2018, Chapter 355
- 66 **4-41a-204** , as last amended by Laws of Utah 2023, Chapter 327 , as last amended by Laws of Utah
2023, Chapter 327
- 67 **4-46-302** , as last amended by Laws of Utah 2024, Chapter 59 , as last amended by Laws of Utah
2024, Chapter 59
- 68 **4-46-304** , as enacted by Laws of Utah 2023, Chapter 528 , as enacted by Laws of Utah 2023,
Chapter 528
- 69 **10-11-1** , as last amended by Laws of Utah 2022, Chapter 432 , as last amended by Laws of Utah
2022, Chapter 432
- 70 **59-12-103** , as last amended by Laws of Utah 2024, Chapters 88, 501 , as last amended by Laws of
Utah 2024, Chapters 88, 501
- 71 **63J-1-602.2** , as last amended by Laws of Utah 2024, Chapters 241, 285, 425, and 467 , as last
amended by Laws of Utah 2024, Chapters 241, 285, 425, and 467
- 72 **73-10g-205** , as last amended by Laws of Utah 2024, Chapter 233 , as last amended by Laws of
Utah 2024, Chapter 233

73 ENACTS:

74 **11-46b-101 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

75 **11-46b-102 , Utah Code Annotated 1953 , Utah Code Annotated 1953**

76 REPEALS:

77 **4-13-101** , as renumbered and amended by Laws of Utah 2017, Chapter 345 , as renumbered and
amended by Laws of Utah 2017, Chapter 345

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4-18-107 , as last amended by Laws of Utah 2017, Chapter 345 , as last amended by Laws of Utah 2017, Chapter 345

78 19-5-105.6 , as enacted by Laws of Utah 2014, Chapter 383 , as enacted by Laws of Utah 2014, Chapter 383

79

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

81 Section 1. Section 3-1-4 is amended to read:

82 **3-1-4. Purposes.**

Such association may be organized for the purpose of engaging in any cooperative activity for producers of agricultural products in connection with:

- 81 (1) producing, assembling, marketing, buying or selling agricultural products, or harvesting, preserving, drying, processing, manufacturing, blending, canning, packing, ginning, grading, storing, warehousing, handling, shipping, or utilizing such products, or manufacturing or marketing the by-products thereof;
- 85 (2) seed and crop improvement, and soil conservation and rehabilitation;
- 86 (3) manufacturing, buying or supplying to its members and others, machinery, equipment, feed, [fertilizer] plant food, coal, gasoline and other fuels, oils and other lubricants, seeds, and all other agricultural and household supplies;
- 89 (4) generating and distributing electrical energy and furnishing telephone service to its members and others;
- 91 (5) performing or furnishing business or educational services, on a co-operative basis, for or to its members; or
- 93 (6) financing any of the above enumerated activities.

98 Section 2. Section 4-2-305 is amended to read:

99 **4-2-305. Preemption.**

- 96 (1) Subject to concurrence with relevant federal laws and except as provided in Subsection (4), the department has exclusive jurisdiction over regulation regarding:
- 98 (a) commercial feed, as described in Chapter 12, Utah Commercial Feed Act;
- 99 (b) fertilizer, as described in [~~Chapter 13, Utah Fertilizer Act~~] Chapter 13, Utah Plant Food Act;
- 101 (c) pesticides, as described in Chapter 14, Utah Pesticide Control Act; and
- 102 (d) seeds, as described in Chapter 16, Utah Seed Act.

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- 103 (2) The regulation of commercial feed, fertilizer, pesticides, and seeds within the state is of statewide
concern, except as provided in Subsection (4), and this title occupies the whole field of potential
regulation.
- 106 (3) Except as provided in Subsection (4), a political subdivision of the state is prohibited from
regulating commercial feed, fertilizer, pesticides, and seeds, and local ordinances, resolutions,
amendments, regulations, or laws that seek to do so are void.
- 109 (4) Nothing in this section preempts or otherwise limits the authority of a political subdivision to:
- 111 (a) adopt and enforce zoning regulations, fire codes, building codes, or waste disposal restrictions; or
- 113 (b) in consultation with the department, enforce, maintain, amend, or otherwise continue to implement
a regulation created on or before January 1, 2017, related to the use of pesticides and fertilizers in
surface water and groundwater source water protection areas.
- 121 Section 3. Section **4-2-901** is amended to read:
- 122 **4-2-901. Definitions.**
- As used in this part:
- 120 (1) "Animal shelter" means the same as that term is defined in Section 11-46-102.
- 121 (2) "Education loan" means a loan received for education at a domestic or foreign institution of higher
education, including a school or college of veterinary medicine.
- 123 (3) "Education loan balance" includes charges for paying off the balance of the loan.
- 124 (4) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.
- 125 (5) "Livestock" means the same as that term is defined in Section 4-1-109.
- 126 (6) "Loan" means a loan that is made directly by, insured by, or guaranteed under a government
program of:
- 128 (a) a state;
- 129 (b) the United States; or
- 130 (c) a foreign government.
- 131 (7) "Maximum payment value" means the lesser of:
- 132 (a) the sum of a qualified veterinarian's education loan balances; or
- 133 (b) \$20,000.
- 134 (8) "Program" means the Veterinarian Education Loan Repayment Program created in Section 4-2-902.
- 136 (9) "Qualified veterinarian" means a veterinarian who has practiced, as defined by rule made in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as a veterinarian:

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- 139 (a) in an area of the state that is Indian country;
- 140 (b) in an animal shelter within the state operated by:
- 141 (i) a county;
- 142 (ii) a municipality; or
- 143 (iii) an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
- 145 (c) in any area of the state as an employee of the department;
- 146 (d) in any combination of the ~~[places]~~ areas described in Subsections (9)(a) through (c); or
- 148 (e) with a practice that includes:
- 149 (i) ~~[]~~ at least 30% livestock medicine ~~[]~~ ; or
- 150 (ii) at least 20% livestock medicine if the veterinarian practices at least 10% in any combination of the areas described in Subsection (9)(a) through (c).

152 (10) "Veterinarian" means an individual licensed under Title 58, Chapter 28, Veterinary Practice Act.

158 Section 4. Section **4-9-106** is amended to read:

159 **4-9-106. Weights and measures -- Specifications, tolerances, and technical data published in National Institute of Standards and Technology Handbook govern.**

Unless modified by the department, Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, National Institute of Standards and Technology, adopted by the National ~~[Conference]~~ Council on Weights and Measures, including supplements or revisions to Handbook 44, shall determine the specifications, tolerances, and other technical requirements for devices used for:

- 162 (1) commercial weighing and measuring;
- 163 (2) law enforcement;
- 164 (3) data gathering; and
- 165 (4) other weighing and measuring purposes.

170 Section 5. Section **4-9-107** is amended to read:

171 **4-9-107. Adopting uniform packaging and labeling regulation.**

Unless modified by the department, the Uniform Packaging and Labeling Regulation, adopted by the National ~~[Conference]~~ Council on Weights and Measures in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to packaging and labeling in the

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state.

177 Section 6. Section **4-9-108** is amended to read:

178 **4-9-108. Adopting uniform regulation for the method of sale of commodities.**

Unless modified by the department, the Uniform Regulation for the Method of Sale of Commodities, adopted by the National [~~Conference~~] Council on Weights and Measures, in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to the method of sale of commodities in the state.

184 Section 7. Section **4-9-109** is amended to read:

185 **4-9-109. Adopting uniform regulation for the voluntary registration of servicepersons and service agencies for commercial weighing and measuring devices.**

Unless modified by the department, the Uniform Regulation for the Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices, adopted by the National [~~Conference~~] Council on Weights and Measures in Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, National Institute of Standards and Technology, shall apply to the registration of servicepersons and service agencies in the state.

193 Section 8. Section **4-13-102** is amended to read:

190 **CHAPTER 13. UTAH PLANT FOOD ACT**

195 **4-13-102. Definitions.**

As used in this chapter:

193 (1) "~~Adulterated[fertilizer]~~" means [~~a fertilizer or soil amendment that~~] a plant food that:

194 (a) contains a deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with the directions for use on the label;

197 (b) has a composition that falls below or differs from that which the composition is purported to possess by the composition's labeling;

199 (c) contains unwanted crop or weed seed; or

200 (d) exceeds levels of metals permitted by the United States Environmental Protection Agency.

202 (2) "~~Beneficial [substances or compounds]~~" means ~~a substance or compound other than primary, secondary, and micro plant nutrients that can be demonstrated by scientific research to be beneficial~~

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~~to one or more species of plants when applied exogenously]~~ substance" means a substance or compound, other than a primary nutrient, secondary nutrient, or micro plant nutrient, and excluding a pesticide, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil, or media.

- 208 [~~(3)~~] "Biostimulant" means a product containing naturally-occurring substances and microbes that are used to stimulate plant growth, enhance resistance to plant pests, and reduce abiotic stress.
- 211 [~~(4)~~] (3) "Blender" means a person engaged in the business of blending or mixing [fertilizer, soil amendments, or both] plant food.
- 213 [~~(5)~~] (4) "Brand" means a term, design, or trade mark used in connection with one or several grades of [fertilizer or soil amendment] plant food.
- 215 [~~(6)~~] (5) "Bulk[fertilizer]" means [fertilizer delivered to the purchaser either in solid or liquid state in a non-packaged form to which a label cannot be attached] plant food delivered to a purchaser in a non-packaged form.
- 218 [~~(7)~~] (6) "Custom blend" means a [fertilizer] plant food blended according to specification provided to a blender in a soil test nutrient recommendation or to meet the specific consumer request before blending.
- 221 [~~(8)~~] (7) "Deficiency" means the amount of nutrient found by analysis to be less than that guaranteed.
- 223 [~~(9)~~] (8) "Derivation" means the source from which the guaranteed nutrients are derived.
- 224 [~~(10)~~] (9) "Distribute" means to [import, consign, manufacture, produce, compound, mix, blend, or to offer for sale, sell, barter, or supply fertilizer or soil amendments in the state] offer for sale, sell, exchange, or barter plant food.
- 227 [~~(11)~~] (10) "Distributor" means a person who distributes.
- 228 [~~(12)~~] (11) "Fertilizer" means a substance that contains one or more recognized plant nutrients that is used for the substance's plant nutrient content and is designed for use or claimed to have value in promoting plant growth, exclusive of unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products exempted by rule.
- 233 [~~(13)~~] (12) "Fertilizer material" means a fertilizer that contains:
- 234 (a) quantities of no more than one of the primary plant nutrients, nitrogen (N), phosphate (P₂O₅), Potash (K₂O);
- 236 (b) 85% plant nutrients in the form of a single chemical compound; or
- 237

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(c) plant or animal residues or by-products, or a natural material deposit that is processed so that its primary plant nutrients have not been materially changed, except through purification and concentration.

240 [(14)] (13) "Grade" means the percentage of total nitrogen, available phosphate and soluble potash stated in the same terms, order, and percentages as in the guaranteed analysis.

242 [(15)] (14)

. (a) "Guaranteed analysis" means the minimum percentage by weight of plant nutrients claimed in the following order and form:

248 244 Total Nitrogen (N) _____ percent

245 Available Phosphate (P₂O₅) _____ percent

246 Soluble Potash (K₂O) _____ percent

247 (b) For unacidulated mineral phosphatic material and basic slag, bone, tankage, and other organic phosphate or degree of fineness may also be guaranteed.

249 (c)

. (i) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium may be permitted or required by rule of the department.

251 (ii) The guarantees for such other nutrients shall be expressed in the form of the element.

253 (iii) The sources of such other nutrients, such as oxides, salt, chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label.

256 (iv) Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the department.

258 (v) Any plant nutrients or other substances or compounds guaranteed are subject to inspection and analysis in accord with the methods and rules prescribed by the department.

261 [(16)] (15) "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of [~~fertilizer or soil amendment~~] plant food.

264 [(17)] (16) "Label" means the display of the written, printed, or graphic matter upon the immediate container or statement accompanying [~~a fertilizer or soil amendment~~] plant food.

267 [(18)] (17) "Labeling" means the written, printed, or graphic matter upon or accompanying [~~fertilizer or soil amendment~~] plant food, or advertisements, brochures, posters, television and radio announcements used in promoting the sale of [~~fertilizers or soil amendments~~] plant food.

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- [(19)] (18) "Lot" means a definite quantity identified by a combination of numbers, letters, characters, or amount represented by a weight certificate from which every part is uniform within recognized tolerances from which the distributor can be determined.
- 274 [(20)] (19) "Micro plant nutrient" means boron, chlorine, [eølbalt] cobalt, copper, iron, manganese, molybdenum, nickel, sodium, and zinc.
- 276 [(21)] (20) "Mixed fertilizer" means a fertilizer containing any combination or mixture of fertilizer materials.
- 278 [(22) "Nonplant food ingredient" means a substance or compound other than the primary, secondary, or micro nutrients.]
- 280 [(23)] (21) "Official sample" means a sample of [fertilizer or soil amendment] plant food taken by the department and designated as "official."
- 282 [(24) "Other ingredients" means the non-soil amending ingredients present in soil amendments.]
- 284 [(25)] (22) "Percent" or "percentage" means the percentage by weight.
- 285 [(26)] (23) "Plant amendment" means a substance applied to plants or seeds that is intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of plants except fertilizer, soil amendments, agricultural liming materials, animal and vegetable manure, pesticides, or plant regulators.
- 289 (24) "Plant biostimulant" means a substance, microorganism, or mixture of a substance and microorganism, that, when applied to seeds, plants, the rhizosphere, soil, or other growth media, act to support a plant's natural nutrition processes independently of the biostimulant's nutrient content, and thereby improving:
- 293 (a) nutrient availability;
- 294 (b) uptake;
- 295 (c) use efficiency;
- 296 (d) tolerance to abiotic stress; and
- 297 (e) consequent growth, development, quality, or yield.
- 298 (25) "Plant food" means a fertilizer, soil amendment, beneficial substance, plant amendment, plant biostimulant, plant inoculant, soil inoculant, or any combination of these products.
- 301 (26) "Plant inoculant" means a product consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system.
- 304 (27) "Primary nutrient" includes total nitrogen, available phosphate, and soluble potash.

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- 305 (28) "Registrant" means a person who registers a [~~fertilizer or a soil amendment~~] plant food under this
chapter.
- 307 (29) "Secondary nutrient" includes calcium, magnesium, and sulfur.
- 308 [~~(30) "Slow-release fertilizer" means a fertilizer in a form that releases, or converts to a plant-available
form, plant nutrients at a slower rate relative to an appropriate reference soluble product.~~]
- 311 [~~(31)~~] (30) "Soil amending ingredient" means a substance that will improve the physical, chemical,
biochemical, biological, or other characteristics of the soil.
- 313 [~~(32)~~] (31) "Soil amendment" means a substance or a mixture of substances that is intended to improve
the physical, chemical, biochemical, biological, or other characteristics of the soil, except fertilizers,
agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, or
pesticides.
- 317 (32) "Soil inoculant" means a microbial product that is applied to colonize the soil to benefit the soil
chemistry, biology, or structure.
- 319 (33) "Specialty fertilizer" means fertilizer distributed primarily for non-farm use, such as home gardens,
lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries.
- 322 (34) "Ton" means a net weight of 2,000 pounds avoirdupois.
- 328 Section 9. Section **4-13-103** is amended to read:
- 329 **4-13-103. Distribution of plant food -- Registration required -- Application -- Fees --
Expiration -- Renewal -- Exemptions specified -- Blenders and mixers.**
- 326 (1)
- (a) [~~A brand and grade of fertilizer or soil amendment shall be registered in the name of the person
whose name appears upon the label before being distributed in this state~~] Before a plant food is
distributed in this state, a person shall register the brand and grade of the plant food in the name of
the person whose name appears upon the label of the plant food.
- 331 (b) [~~The~~] A person shall submit an application for registration[~~shall be submitted~~] to the department on
a form prescribed and furnished by the department, and shall [~~be accompanied by~~] accompany the
application with payment of a fee determined by the department pursuant to Subsection 4-2-103(2)
for each brand and grade.
- 335 (c) Upon approval by the department, the department shall furnish a copy of the registration [~~shall be
furnished~~] to the applicant.
- 337 (d)

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- . (i) A registration expires at midnight on December 31 of the year in which issued.
- 338 (ii) A registration is renewable for a period of one year upon the payment of an annual registration
renewal fee in an amount equal to the current applicable original registration fee.
- 341 (iii) A person shall pay the renewal fee [~~shall be paid~~] on or before December 31 of each year.
- 343 (2) A distributor is not required to register [~~fertilizer~~] plant food that has been registered by another
person under this chapter if the label does not differ in any respect.
- 345 (3)
- . (a) A blender is not required to register each grade of [~~fertilizer or soil amendment~~] plant food
formulated according to specifications provided by a consumer before mixing, but is required to:
- 348 (i) license the name under which the business of blending or mixing is conducted;
- 349 (ii) pay an annual blenders license fee determined by the department pursuant to Subsection
4-2-103(2); and
- 351 (iii) label the [~~fertilizer or soil amendment~~] plant food as provided in Section 4-13-104.
- 352 (b)
- . (i) A blenders license expires at midnight on December 31 of the year in which the license is issued.
- 354 (ii) A blenders license is renewable for a period of one year upon the payment of an annual license
renewal fee in an amount equal to the current applicable original blenders license fee.
- 357 (iii) A renewal fee shall be paid on or before December 31 of each year.
- 358 (4)
- . (a) [~~A~~] The department shall assess a tonnage fee [~~shall be assessed~~] on fertilizer [~~and soil amendment~~]
]products sold in the state.
- 360 (b) The fee shall be determined by the department pursuant to Subsection 4-2-103(2).
- 361 (c) When more than one person is involved in the distribution of a fertilizer [~~or soil amendment~~], the
final person who has the fertilizer [~~or soil amendment~~] registered and distributed to a non-registrant
or consumer is responsible for reporting the tonnage and paying the tonnage fee, unless the report
and payment is made by a prior distributor of the fertilizer [~~or soil amendment~~].
- 366 (d) [~~The~~] A person shall submit the tonnage report [~~shall be submitted~~] on a form provided by the
department on or before December 31 annually covering shipments made during the preceding 12-
month period from November 1 to October 31.

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- (e) Revenue generated by the fee shall be deposited into the General Fund as dedicated credits to be used by the department for education and research about and promotion of proper [fertilizer and soil amendment] plant food distribution, handling, and use.

377 Section 10. Section **4-13-104** is amended to read:

378 **4-13-104. Labeling requirements for fertilizer and soil amendments specified.**

374 (1) A container of fertilizer distributed in this state shall bear a label in clearly legible and conspicuous form setting forth the:

376 (a) brand name and grade;

377 (b) guaranteed analysis, except that:

378 (i) sources of nutrients, when shown on the label, shall be listed below the completed guaranteed analysis in order of predominance;

380 (ii) guarantees of zeros may not be made and may not appear in statement except in nutrient guarantee breakdowns; and

382 (iii) if chemical forms of nitrogen are claimed or required, the form shall be shown, but no implied order of the forms of nitrogen is intended;

384 (c) subject to Subsection (12), derivation statement of guaranteed nutrients[, ~~nonplant food ingredients, and beneficial substances or compounds~~] if present;

386 (d) directions for use when applicable;

387 (e) caution or warning statement when applicable;

388 (f) name and address of the registrant or the manufacturer, if different from the registrant;

389 (g) net weight or volume; and

390 (h) lot number.

391 (2) A container of specialty fertilizer distributed in this state shall bear a label in clear, legible, and conspicuous form setting forth the information specified in Subsections (1)(a) through (h).

394 (3) A shipment of custom blend fertilizer shall be accompanied by a printed or written statement setting forth the:

396 (a) information specified in Subsections (1)(a) through (c);

397 (b) name and address of the licensed blender;

398 (c) net weight or volume; and

399 (d) lot number.

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- (4) A person who ships fertilizer material shall accompany the shipment of fertilizer material [~~shall be accompanied by~~] with a printed or written statement setting forth the:
- 402 (a) information specified in Subsections (1)(a) through (c);
- 403 (b) name and address of the registrant if different from the supplier or shipper;
- 404 (c) net weight or volume; and
- 405 (d) lot number.
- 406 [~~(5) The grade is not required on a fertilizer label when no primary nutrients are claimed or are less than one percent.~~]
- 408 [~~(6) Additional nutrient guarantees may not be an extension of the grade statement and shall be a separate line or include terms such as "plus," "with," or "including."~~]
- 410 [~~(7)~~ (5) A soil amendment or beneficial substance distributed in the state shall bear a label in clearly legible and conspicuous form setting forth~~the~~]:
- 412 (a) the brand name;
- 413 (b) a statement of composition showing the amount of each non-nutritive ingredient, that is the agent in a product primarily responsible for the intended effects using the following format:
- 416 (i) for a soil amendment:
- 417 SOIL AMENDING INGREDIENTS
- | | | |
|-----|----------------------------------|------------------------------------|
| 418 | <u>1. Name of the ingredient</u> | <u>% or other acceptable units</u> |
|-----|----------------------------------|------------------------------------|
- 419 (ii) for a beneficial substance:
- 420 CONTAINS BENEFICIAL SUBSTANCE(S)
- | | | |
|-----|--|--|
| 421 | <u>1. Name of beneficial substance</u> | <u>% or other acceptable units</u> |
| 422 | <u>2. Genus and species of microorganism</u> | <u>viable CFU/cm³,/mL,/g, or other acceptable units</u> |
| 423 | <u>3. Name of the ingredient</u> | <u>% or other acceptable units</u> |
- 424 (Substances shall include ingredient source, if applicable. Ex. humic acid from leonardite or saponin from Yucca schidigera)
- 425 [~~(b) guaranteed analysis, which includes:~~]
- 426 [~~(i) nonplant food ingredients separated out by soil amending ingredients and other total ingredients, in that order, by percentages; and~~]
- 428 [~~(ii) nonsoil amending ingredients separating out beneficial substances and beneficial compounds, in that order, by percentage or acceptable units;~~]

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- 430 (c) the purpose of product;
431 (d) the direction for application;
432 (e) the caution or warning statement when applicable;
433 (f) the name and address of the registrant or the manufacturer, if different from the registrant; and
435 (g) the net weight or volume.
436 (6) In case of a bulk shipment, the information required by Subsection (5) in written or printed form
shall accompany delivery and be supplied to the purchaser at time of delivery.
439 (7) The grade is not required on a fertilizer label when no primary nutrients are claimed or are less than
1%.
441 (8) Additional nutrient guarantees may not be an extension of the grade statement and shall be a
separate line or include terms such as "plus," "with," or "including."
443 ~~[(8)]~~ (9) The department may require proof of claims made, usefulness, and value of the soil
amendments.
445 ~~[(9) For evidence of proof the department may rely on experimental data, evaluations, or advice~~
~~supplied from such sources as the director of the Agricultural Experiment Station. The experimental~~
~~design shall be related to state conditions for which the product is intended.]~~
449 (10) Information or a statement may not appear on a package, label, delivery slip, or advertising
matter that is false or misleading to the purchaser as to the use, value, quality, analysis, type, or
composition of the ~~[soil amendment]~~ plant food.
452 (11) A ~~[fertilizer]~~ plant food is misbranded if:
453 (a) the ~~[fertilizer's]~~ labeling is false or misleading in any particular;
454 (b) the ~~[fertilizer]~~ plant food is distributed under the name of another ~~[fertilizer]~~ plant food product;
456 (c) the ~~[fertilizer]~~ plant food is not labeled as required; or
457 (d) the ~~[fertilizer]~~ plant food purports to be or is represented as ~~[fertilizer]~~ plant food, or is represented
as containing ~~[a plant nutrient fertilizer]~~ an ingredient that does not conform with the definition of
identity or any commonly accepted definitions of official fertilizer terms.
461 (12) An abbreviation, brand name, trade mark, or trade name may not appear in a derivation statement.
468 Section 11. Section **4-13-105** is amended to read:
469 **4-13-105. Enforcement -- Inspection and samples authorized -- Methods for sampling and**
analysis prescribed -- Warrants.
466

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- (1) The department shall periodically sample, inspect, analyze, and test [~~fertilizers and soil amendments~~] plant food distributed within this state to determine [~~if they comply~~] whether the plant food complies with this chapter.
- 469 (2)
- . (a) The methods of sampling and analysis shall be those adopted by the AOAC International.
- 471 (b) In a case not covered by the methods adopted under Subsection (2)(a), or in a case when a method is available in which improved applicability has been demonstrated, the department may adopt appropriate methods from other sources.
- 474 (3) In determining whether a [~~fertilizer or soil amendment~~] plant food is deficient, the department shall be guided solely by the official sample.
- 476 (4)
- . (a) The department may enter any public or private premises or carriers during regular business hours to have access to [~~fertilizers or soil amendments~~] plant food and records relating to the distribution of [~~fertilizers and soil amendments~~] plant food subject to this chapter.
- 480 (b) If admittance is refused, the department may proceed immediately to obtain an ex parte warrant from the nearest court [~~of competent~~] with jurisdiction to allow entry upon the premises for the purpose of making inspections and obtaining samples.
- 483 (5) The department shall distribute the results of an official sample.
- 484 (6) The department shall retain an official sample for a minimum of 90 days from the issuance of a report.
- 491 Section 12. Section **4-13-106** is amended to read:
- 492 **4-13-106. Distribution of plant food not complying with labeling requirements prohibited -- Penalty assessed -- Court action to vacate or amend finding authorized -- Adulterated plant food.**
- 490 (1) A person may not distribute in this state a [~~fertilizer, fertilizer material, soil amendment, or specialty fertilizer~~] plant food if the official sample [~~thereof~~] of the plant food establishes that the [~~fertilizer, fertilizer material, soil amendment, or specialty fertilizer~~] plant food is deficient in the nutrients or ingredients guaranteed on the label by an amount exceeding the values established by rule.
- 495 (2) The department shall evaluate and take administrative action the department prescribes for a deficiency beyond the investigational allowances established by the department.
- 497 (3) A registrant aggrieved by the finding of an official sample deficiency may file a complaint with a court [~~of competent~~] with jurisdiction to vacate or amend the finding of the department.

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500 (4) A person may not distribute in this state a plant food that is adulterated.

506 Section 13. Section **4-13-108** is amended to read:

507 **4-13-108. Denial, suspension, or revocation authorized -- Grounds -- Stop sale, use, or
removal order authorized -- Court action -- Procedure -- Costs.**

504 (1) The department may deny, revoke, or suspend the license for a blender or the registration of a brand
of [~~fertilizer or soil amendment~~] plant food upon satisfactory evidence that the licensee or registrant
has used fraudulent or deceptive practices in licensure, registration, or distribution in this state.

508 (2)

. (a) The department may issue a "stop sale, use, or removal order" to the owner or person in possession
of any designated lot of [~~fertilizer or soil amendment~~] plant food that the department finds or has
reason to believe is being offered or exposed for sale in violation of this chapter.

512 (b) The order shall be in writing and [~~fertilizer or soil amendment~~] plant food subject to the order may
not be moved or offered or exposed for sale, except upon the subsequent written release of the
department.

515 (c) Before a release is issued, the department may require the owner or person in possession of the
"stopped" lot to pay the expense incurred by the department in connection with the withdrawal of
the product from the market.

518 (3)

. (a) The department may seek in a court [~~of competent~~] with jurisdiction an order of seizure or
condemnation of any [~~fertilizer~~] plant food that violates this chapter or, upon proper grounds, to
obtain a temporary restraining order or permanent injunction, to prevent violation of this chapter.

522 (b) A bond may not be required of the department in any injunctive proceeding under this section.

524 (4) If condemnation is ordered, the [~~fertilizer or soil amendment~~] plant food shall be disposed of as
the court directs, except that the court may not order condemnation without giving the claimant of
the [~~fertilizer or soil amendment~~] plant food an opportunity to apply to the court for permission to
relabel, reprocess, or otherwise bring the product into conformance, or to remove the [~~fertilizer or
soil amendment~~] plant food from the state.

530 (5) If the court orders condemnation of the [~~fertilizer or soil amendment~~] plant food, court costs,
fees, storage, and other expenses shall be awarded against the claimant of the [~~fertilizer or soil
amendment~~] plant food.

538 Section 14. Section **4-13-109** is amended to read:

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539 **4-13-109. Sales or exchanges of plant food between manufacturers, importers, or**
manipulators permitted.

This chapter may not be construed to restrict or avoid sales or exchanges of [fertilizers
or soil amendments] plant food to each other by importers, manufacturers, or manipulators who
mix [fertilizer or soil amendment] plant food materials for sale or as preventing the free and
unrestricted shipment of [fertilizer or soil amendments] plant food to manufacturers or
manipulators who have registered their brands as required by this chapter.

546 Section 15. Section **4-13-110** is amended to read:

547 **4-13-110. Department may make and enforce rules -- Cooperation with state and federal**
agencies authorized.

544 (1)

(a) The department may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, and enforce the rules to administer and enforce this chapter.

547 (b) The department shall by rule adopt the official terms, tables, definitions, and statements adopted by
the Association of American Plant Food Control officials and published in the official publications
of that organization.

550 (2) The department may enter into agreements with other agencies of the state, other states, and
agencies of the federal government to administer and enforce this chapter.

552 ~~[(3) The department may use the following terms in rule made in accordance with Title 63G, Chapter 3,
Utah Administrative Rulemaking Act, to the extent that the department is authorized to make rules
by a provision other than this Subsection (3):]~~

555 ~~[(a) biostimulant;]~~

556 ~~[(b) bulk fertilizer;]~~

557 ~~[(c) plant amendment;]~~

558 ~~[(d) secondary nutrient; and]~~

559 ~~[(e) slow release fertilizer.]~~

565 Section 16. Section **4-18-102** is amended to read:

566 **4-18-102. Findings and declarations -- Duties.**

562 (1) In addition to the policy provided in Section 4-46-101, the Legislature finds and declares that:

564 (a) the soil and water resources of this state constitute one of the state's basic assets; and

565 (b) the preservation of soil and water resources requires planning and programs to ensure:

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- 567 (i) the development and use of soil and water resources; and
568 (ii) soil and water resources' protection from the adverse effects of wind and water erosion, sediment,
and sediment related pollutants.
- 570 (2) The Legislature finds that local production of food is essential for:
571 (a) the security of the state's food supply; and
572 (b) the self-sufficiency of the state's citizens.
- 573 (3) The Legislature finds that sustainable agriculture is critical to:
574 (a) the success of rural communities;
575 (b) the historical culture of the state;
576 (c) maintaining healthy farmland;
577 (d) maintaining high water quality;
578 (e) maintaining abundant wildlife;
579 (f) high-quality recreation for citizens of the state; and
580 (g) helping to stabilize the state economy.
- 581 (4) The Legislature finds that livestock grazing on public lands is important for the proper management,
maintenance, and health of public lands in the state.
- 583 (5) The Legislature encourages each agricultural producer in the state to operate in a reasonable and
responsible manner to maintain the integrity of soil, water, and air.
- 585 [~~(6) The department shall administer the Utah Agriculture Certificate of Environmental Stewardship
Program, created in Section 4-18-107, to encourage each agricultural producer in this state to
operate in a reasonable and responsible manner to maintain the integrity of the state's resources.]~~
- 589 [(7)] (6) The Legislature finds that soil health is essential to protecting the state's soil and water
resources, bolstering the state's food supply, and sustaining the state's agricultural industry.
- 597 Section 17. Section **4-18-103** is amended to read:
598 **4-18-103. Definitions.**
As used in this chapter:
- 595 (1)
596 . (a) "Agricultural discharge" means the release of agriculture water from the property of a farm, ranch,
or feedlot that:
597 (i) pollutes a surface body of water, including a stream, lake, pond, marshland, watercourse,
waterway, river, ditch, or other water conveyance system;

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- 599 (ii) pollutes ground water; or
600 (iii) constitutes a significant nuisance to urban land.
- 601 (b) "Agricultural discharge" does not include:
602 (i) runoff from a farm, ranch, or feedlot, or the return flow of water from an irrigated field onto land that
is not part of a body of water; or
604 (ii) a release of water from a farm, ranch, or feedlot into a normally dry water conveyance leading to
an active body of water, if the release does not reach the water of a lake, pond, stream, marshland,
river, or other active body of water.
- 607 (2) "Agricultural operation" means a farm, ranch, or animal feeding operation.
608 (3) "Agriculture water" means:
609 (a) water used by a farm, ranch, or feedlot for the production of food, fiber, or fuel;
610 (b) the return flow of water from irrigated agriculture; or
611 (c) agricultural storm water runoff.
612 (4) "Alternate" means a substitute for a district supervisor if the district supervisor cannot attend a
meeting.
- 614 (5)
. (a) "Animal feeding operation" means a facility where animals, other than aquatic animals, are stabled
or confined and fed or maintained for a total of 45 days or more in any 12-month period.
617 (b) "Animal feeding operation" does not include an operation where animals are in areas such as
pastures or rangeland that sustain crops or forage growth during the normal growing season.
620 (6) "Best management practices" means practices, including management policies and the use of
technology, used by each sector of agriculture in the production of food and fiber that are commonly
accepted practices, or that are at least as effective as commonly accepted practices, and that:
624 (a) protect the environment;
625 (b) protect human health;
626 (c) ensure the humane treatment of animals; and
627 (d) promote the financial viability of agricultural production.
- 628 [~~(7) "Certified agricultural operation" means an agricultural operation that is certified under the
Utah Agriculture Certificate of Environmental Stewardship Program in accordance with Section
4-18-107.~~]

631

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~~[(8) "Certified conservation planner" means a planner of a state conservation district, or other qualified planner, that is approved by the commission to certify an agricultural operation under the Utah Agriculture Certificate of Environmental Stewardship Program, created in Section 4-18-107.]~~

635 ~~[(9)]~~ (7) "Commission" means the Conservation Commission created in Section 4-18-104.

636 ~~[(10)]~~ (8) "Comprehensive nutrient management plan" or "nutrient management plan" means a plan to properly store, handle, and spread manure and other agricultural byproducts to:

639 (a) protect the environment; and

640 (b) provide nutrients for the production of crops.

641 ~~[(11)]~~ (9) "Coordinated resource management plan" means a plan of action created at a local level with broad participation of land owners, natural resource agencies, and interested stakeholders to protect or enhance the environment, human health, humane treatment of animals, and financial viability in the community.

645 ~~[(12)]~~ (10) "District" or "conservation district" has the same meaning as "conservation district" as defined in Section 17D-3-102.

647 ~~[(13)]~~ (11) "Fodder" means food for livestock.

648 ~~[(14)]~~ (12) "Hydroponic" means a technique for growing plants without soil.

649 ~~[(15)]~~ (13) "Pollution" means a harmful human-made or human-induced alteration to the water of the state, including an alteration to the chemical, physical, biological, or radiological integrity of water that harms the water of the state.

652 ~~[(16)]~~ (14) "State technical standards" means a collection of best management practices that will protect the environment in a reasonable and economical manner for each sector of agriculture as required by this chapter.

655 ~~[(17)]~~ (15) "Sustainable agriculture" means agriculture production and practices that promote:

657 (a) the environmental responsibility of owners and operators of farms, ranches, and feedlots; and

659 (b) the profitability of owners and operators of farms, ranches, and feedlots.

665 Section 18. Section **4-18-106** is amended to read:

666 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund money -- Advisory board.**

663 (1) As used in this section:

664 (a) "Disaster" means an extraordinary circumstance, including a flood, drought, or fire, that results in:

666 (i) the president of the United States declaring an emergency or major disaster in the state;

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- 668 (ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2, Disaster Response
and Recovery Act; or
- 670 (iii) the chief executive officer of a local government declaring a local emergency under Title 53,
Chapter 2a, Part 2, Disaster Response and Recovery Act.
- 672 (b) "Fund" means the Agriculture Resource Development Fund created in this section.
- 673 (c) "Local government" means the same as that term is defined in Section 53-2a-602.
- 674 (2) There is created a revolving loan fund known as the "Agriculture Resource Development Fund."
- 676 (3) The fund shall consist of:
- 677 (a) money appropriated to the fund by the Legislature;
- 678 [~~(b) sales and use tax receipts transferred to the fund in accordance with Section 59-12-103;~~]
- 680 [(~~e~~)] (b) money received for the repayment of loans made from the fund;
- 681 [(~~d~~)] (c) money from a preferential user to reimburse the commission for loans made from the fund in
accordance with Title 73, Chapter 3d, Part 4, Compensation;
- 683 [(~~e~~)] (d) money made available to the state for agriculture resource development or for a temporary
water shortage emergency, as defined in Section 73-3d-101, from any source; and
- 686 [(~~f~~)] (e) interest earned on the fund.
- 687 (4) The commission may make loans from the fund for:
- 688 (a) a rangeland improvement and management project;
- 689 (b) a watershed protection or flood prevention project;
- 690 (c) a soil and water conservation project;
- 691 (d) a program designed to promote energy efficient farming practices;
- 692 (e) an improvement program for agriculture product storage or program designed to protect a crop or
animal resource;
- 694 (f) a hydroponic or aquaponic system, including a hydroponic fodder production system;
- 695 (g) a project or program to improve water quality;
- 696 (h) a project to address other environmental issues;
- 697 (i) subject to Subsection (5), a disaster relief program designed to aid the sustainability of agriculture
during and immediately following a disaster; or
- 699 (j) subject to Subsection (6), authorized for temporary water shortage emergencies as provided in Title
73, Chapter 3d, Part 4, Compensation.
- 701 (5)

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- . (a) Loans made through a disaster relief program described in Subsection (4)(i) may not comprise more than 10% of the funds appropriated by the Legislature to the fund.
- 703 (b) Notwithstanding Subsection (5)(a), the department may use the money appropriated to the fund by the Legislature or another source, without limitation, if the money is appropriated specifically for use in a disaster relief program.
- 706 (c)
- . (i) Until December 31, 2024, the department is authorized to borrow up to \$3,000,000 of General Fund appropriations from the Agricultural Water Optimization Account created in Section 73-10g-204 to be used in making loans through a disaster relief program described in Subsection (4)(i).
- 710 (ii) If the department borrows from the Agricultural Water Optimization Account under Subsection (5)(c)(i), the department shall deposit the repayment of principal and interest on loans made through a disaster relief program, regardless of the source of the funds used to make those loans, into the Agricultural Water Optimization Account, with preference over the repayment of any other source of funds, until the Agricultural Water Optimization Account is repaid in full.
- 716 (6) The commission may not have at one time an aggregate amount of loans made under Subsection (4)(j) that exceeds \$5,000,000.
- 718 (7) The commission may appoint an advisory board to:
- 719 (a) oversee the award process for loans, as described in this section;
- 720 (b) approve loans; and
- 721 (c) recommend policies and procedures for the fund that are consistent with statute.
- 722 (8) The department shall obtain an approved annual budget from the commission to use money from the fund to pay for the costs of administering the fund and loans made from the fund.
- 730 Section 19. Section **4-23-107** is amended to read:
- 731 **4-23-107. Annual fees on sheep, goats, cattle, and turkeys -- Determination by board --**
- Collection methods.**
- 728 (1) To assist the department in meeting the annual expense of administering this chapter, the following annual predator control fees are imposed upon animals owned by persons whose interests this chapter is designed to protect: Sheep and goats (except on farm dairy
- 731 goats or feeder lambs).....at least \$.70 but not{
- 732 {—} -} more than \$1 per head{
- 733 } Cattle (except on farm dairy cattle).....at least \$.15 but not{

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- 734 {~~—~~} -} more than \$.50 per head{
735 } Turkeys (breeding stock only).....at least \$.05 but not{
736 {~~—~~} -} more than \$.10 per head
- 737 {(2)} The amount of the fees imposed upon each category of animals specified in this section shall be determined by the board annually on or before {~~January 1~~} ~~July 1~~ of each year.
- 739 {(3)}
- . {(a)} Fee brand inspected cattle are subject to a predator control fee upon change of ownership or slaughter.
- 741 {(b)} The fee shall be collected by the local brand inspector at the time of the inspection of cattle, or withheld and paid by the market from proceeds derived from the sale of the cattle.
- 744 {(c)} Cattle that are fee brand inspected prior to confinement to a feedlot are not subject to any subsequent predator control fee.
- 746 {(4)}
- . {(a)} Fleece of sheared sheep is subject to a predator control fee upon sale of the fleece.
- 747 {(b)}
- . {(i)} The fee shall be withheld and paid by the marketing agency or purchaser of wool from proceeds derived from the sale of the fleece.
- 749 {(ii)} The department shall enter into cooperative agreements with in-state and out-of-state wool warehouses and wool processing facilities for the collection of predator control fees on the fleece of sheep that graze on private or public range in the state.
- 753 {(e)} The fee shall be based on the number of pounds of wool divided by 10 pounds for white face sheep and five pounds for black face sheep.
- 755 {(5)} Predator control fees on turkey breeding stock shall be paid by the turkey cooperative.
- 756 {(6)}
- . {(a)} Livestock owners shall pay a predator control fee on any livestock that uses public or private range in the state {~~which~~} ~~that~~ is not otherwise subject to the fee under Subsection (3) or (4).
- 759 {(b)} By {~~January 1~~} ~~September 1~~, the commissioner shall mail to each owner of livestock specified in Subsection (6)(a) a reporting form requiring sufficient information on the type and number of livestock grazed in the state and indicating the fee imposed for each category of livestock.
- 763

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{(e)} {f} Each{f} An owner shall file the completed form and the appropriate fee with the commissioner before {April 1{f} December 31}.

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

770 {(7)} {f} All fees{f} A fee collected under this section shall be remitted to the department and deposited in the Agricultural and Wildlife Damage Prevention Account.

.....at least \$.70 but not

737 more than \$1 per head

738 Cattle (except on farm dairy cattle).....at least \$.15 but not

739 more than \$.50 per head

740 Turkeys (breeding stock only).....at least \$.05 but not

741 more than \$.10 per head

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

744 (3)

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

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

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

751 (4)

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

752 (b)

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

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

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- 758 (c) The fee shall be based on the number of pounds of wool divided by 10 pounds for white face sheep and five pounds for black face sheep.
- 760 (5) Predator control fees on turkey breeding stock shall be paid by the turkey cooperative.
- 761 (6)
- . (a) Livestock owners shall pay a predator control fee on any livestock that uses public or private range in the state [which] that is not otherwise subject to the fee under Subsection (3) or (4).
- 764 (b) By [January 1] September 1, the commissioner shall mail to each owner of livestock specified in Subsection (6)(a) a reporting form requiring sufficient information on the type and number of livestock grazed in the state and indicating the fee imposed for each category of livestock.
- 768 (c) [Each] An owner shall file the completed form and the appropriate fee with the commissioner before [April 1] December 31.
- 770 (d) If any person who receives the reporting form fails to return the completed form and the imposed fee as required, the commissioner is authorized to commence suit through the office of the attorney general, in a court [of competent] with jurisdiction, to collect the imposed fee, the amount of which shall be as determined by the commissioner.
- 775 (7) [All fees] A fee collected under this section shall be remitted to the department and deposited in the Agricultural and Wildlife Damage Prevention Account.
- 777 Section 20. Section **4-24-202** is amended to read:
- 778 **4-24-202. Recordation of brand.**
- 774 (1)
- . ~~[(a) Application for a recorded brand shall be made]~~ A person shall submit an application for a recorded brand to the department upon forms prescribed and furnished by the department.
- 777 ~~[(b)]~~ (a) The application shall contain the following information:
- 778 (i) the name of each applicant;
- 779 (ii) a single designated address where the department will send a notice of brand renewal; and
- 781 (iii) a description of the brand that is the subject of the application.
- 782 ~~[(c)]~~ (b) ~~[An] The department may not approve an application [may not be approved]~~ without payment of the appropriate recording fee.
- 784 ~~[(d)]~~ (c) Upon receipt of a proper application, payment of the recording fee, and recordation of the brand in the central Brand Registry of the department, the commissioner shall issue the applicant a certified copy of recording that entitles the applicant to the exclusive use of the brand recorded.

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- 788 (2)
- . (a) A recorded brand filed with the central Brand Registry expires during the calendar year 1980, and during each fifth or tenth year thereafter. The applicant at the time of application shall decide whether the brand filed with the central Brand Registry expires during the fifth or the tenth year.
- 792 (b)
- . (i) The department shall send notice in writing to the address designated under Subsection (1)(b)(ii) within a reasonable time before the date of expiration of recordation.
- 795 (ii) The notice required by this Subsection (2)(b) may be provided by email or regular mail at the department's discretion.
- 797 (iii) The holder of a registered brand has an affirmative duty to inform the department of a change to the contact information provided on the initial application for a recorded brand.
- 800 (c) Brand renewal is affected by filing an appropriate application with the department together with payment of the renewal fee.
- 802 (d) A recorded brand, not timely renewed, shall lapse and be removed from the central Brand Registry.
- 809 Section 21. Section **4-30-105** is amended to read:
- 810 **4-30-105. License required -- Application -- Fee -- Expiration -- Renewal.**
- 806 (1)
- . (a) ~~[No person may]~~ A person may not operate a livestock market in this state without a license issued by the department.
- 808 (b) ~~[Application for a license shall be made-]~~ A person shall submit an application for a license to the department upon forms prescribed and furnished by the department, and the application shall specify:
- 811 (i) if the applicant is an individual, the name, address, and ~~[date of birth]~~ age of the applicant; or
- 813 (ii) if the applicant is a partnership, corporation, or association, the name, address, and ~~[date of birth]~~ age of each person who has a financial interest in the applicant and the amount of each person's interest;
- 816 (iii) a certified statement of the financial assets and liabilities of the applicant detailing:
- 818 (A) current assets;
- 819 (B) current liabilities;
- 820 (C) long-term assets; and
- 821 (D) long-term liabilities;

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- 822 (iv) a legal description of the property where the market is proposed to be located, the property's street
address, and a description of the facilities proposed to be used in connection with the property;
- 825 (v) a schedule of the charges or fees the applicant proposes to charge for each service rendered; and
- 827 (vi) a detailed statement of the trade area proposed to be served by the applicant, the potential benefits
which will be derived by the livestock industry, and the specific services the applicant intends to
render at the livestock market.
- 830 (2)
- . (a) Upon receipt of a proper application, payment of a license fee in an amount determined by the
department pursuant to Subsection 4-2-103(2), the commissioner, if satisfied that the convenience
and necessity of the industry and the public will be served, shall issue a license allowing the
applicant to operate the livestock market proposed in the application valid through December 31 of
the year in which the license is issued, subject to suspension or revocation for cause.
- 836 (b) A livestock market license is annually renewable on or before December 31 of each year upon the
payment of an annual license renewal fee in an amount determined by the department pursuant to
Subsection 4-2-103(2).
- 839 (3) [~~No~~] The department may not issue a livestock market original or renewal license [~~may be issued~~
]until the applicant has provided the department with a certified copy of a surety bond filed with the
United States Department of Agriculture as required by the Packers and Stockyards Act, 1921, 7
U.S.C. Section 181 et seq.
- 848 Section 22. Section **4-39-203** is amended to read:
- 849 **4-39-203. License required to operate a domesticated elk facility.**
- 845 (1) A person may not operate a domesticated elk facility without first obtaining a license from the
department.
- 847 (2)
- . (a) [~~Each~~] An application for a license to operate a domesticated elk facility shall be accompanied by a
fee.
- 849 (b) The fee shall be established by the department in accordance with Section 63J-1-504.
- 850 (3) [~~Each~~] An applicant for a domesticated elk facility license shall submit an application providing all
information in the form and manner as required by the department.
- 852 (4)
- .

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- (a) ~~[No license shall be issued until the department has inspected and approved]~~ The department may not issue a license until the department inspects and approves the facility.
- 855 (b) The department shall:
- 856 (i) notify the Division of Wildlife Resources at least 48 hours ~~[prior to]~~ before a scheduled inspection so that a Division of Wildlife Resources representative may be present at the inspection; and
- 859 (ii) provide the Division of Wildlife Resources with copies of all licensing and inspection reports.
- 861 (5) Each separate location of the domesticated elk operation shall be licensed separately.
- 862 (6)
- . (a) If a domesticated elk facility is operated under more than one business name from a single location, the name of each operation shall be listed with the department in the form and manner required by the department.
- 865 (b) The department shall require that a separate fee be paid for each business name listed.
- 866 (c) If a domesticated elk facility operates under more than one business name from a single location, each facility shall maintain separate records.
- 868 (7) ~~[Each person or business entity]~~ A person with an equity interest in the domesticated elk shall be listed on the application for license.
- 870 (8) ~~[Each]~~ A domesticated elk facility license shall expire on ~~[July 1]~~ June 30 in the year following the year of issuance.
- 872 (9) ~~[Each]~~ A licensee shall report to the department, in the form and manner required by the department, any change in the information provided in the licensee's application or in the reports previously submitted, within 15 days of each change.
- 875 (10) ~~[Licenses]~~ A license issued pursuant to this section ~~[are]~~ is not transferable.
- 881 Section 23. Section **4-39-205** is amended to read:
- 882 **4-39-205. License renewal.**
- 878 (1) To renew a license, the licensee shall submit to the department the following:
- 879 (a) renewal fee;
- 880 (b) paperwork showing that the:
- 881 (i) domesticated elk, on the domesticated elk facility, have been inspected and certified by the department for health~~[-]~~ and proof of ownership~~[-, and genetic purity certification]~~ for all elk imported into the state; and
- 884

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- (ii) facility has been properly maintained, as provided in this chapter, during the immediately preceding 60-day period; and
- 886 (c) record of each purchase of domesticated elk and transfer of domesticated elk into the facility, which shall include the following information:
- 888 (i) name[;] and address[, ~~and health approval number~~] of the source;
- 889 (ii) date of transaction; and
- 890 (iii) number and sex.
- 891 (2)
- . (a) If the renewal fee and paperwork are not received on or before April 30, the department shall charge a late fee[~~will be charged~~].
- 893 (b) A license may not be renewed until the renewal fee and any late fee is paid.
- 894 (3) If the application and fee for renewal are not received on or before [~~July 1~~] June 30, the license may not be renewed, and a new license shall be required.
- 901 Section 24. Section **4-39-206** is amended to read:
- 902 **4-39-206. Records to be maintained.**
- 898 (1) The following records and information shall be maintained by a domesticated elk facility for the life of the animal plus [~~two~~] five years:
- 900 (a) records of purchase, acquisition, distribution, and production histories of domesticated elk;
- 902 (b) records documenting antler harvesting, production, and distribution; and
- 903 (c) health certificates.
- 904 (2) For purposes of carrying out [~~the provisions of~~]this chapter and rules made under this chapter, at any reasonable time during regular business hours, the department shall have free and unimpeded access to inspect all records required to be kept.
- 907 (3) The department may make copies of the records referred to in this section.

913 Section 25. Section **4-39-301** is amended to read:

914 **4-39-301. Proof of source.**

The department shall require[;]

911 [~~(1) that each domesticated elk, including gametes, eggs, or sperm, imported into the state:~~]

912 [~~(a) test negative for the red deer genetic factor;~~]

913 [~~(b) be registered with gold or silver status with the North American Elk Breeders Association; or~~]

915

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~~[(e) come from a state which has a red deer genetic factor prevention program approved by the department; and]~~

917 ~~[(2)]~~ [(2)] proof that the domesticated elk originates from a legal source as provided in Section 4-39-302.

924 Section 26. Section **4-39-303** is amended to read:

925 **4-39-303. Importation of domesticated elk -- Enforcement.**

921 (1) A person may not import domesticated elk into the state for use in domesticated elk facilities without first obtaining:

923 (a) an entry permit from the state veterinarian's office; and

924 (b) a domesticated elk facility license from the department.

925 (2) The entry permit shall include the following information and certificates:

926 (a) a health certificate with an indication of the current health status;

927 ~~[(b) proof of genetic purity as required in Section 4-39-301;]~~

928 ~~[(e)]~~ [(b)] the name and address of the consignor and consignee;

929 ~~[(d)]~~ [(c)] proof that the elk are:

930 (i) tuberculosis free; or

931 (ii) enrolled in a tuberculosis herd monitoring accreditation program administered by the United State Department of Agriculture or the Canadian Food Inspection Agency;

934 ~~[(e)]~~ [(d)] the origin of shipment;

935 ~~[(f)]~~ [(e)] the final destination;

936 ~~[(g)]~~ [(f)] the total number of animals in the shipment;

937 ~~[(h)]~~ [(g)] for an elk imported from east of the 100 degree meridian, proof that the elk has been dewormed in accordance with Subsection (3)(a); and

939 ~~[(i)]~~ [(h)] any other information required by the state veterinarian's office or the department.

940 (3) In addition to the requirements described in Subsections (1) and (2), a person importing a domesticated elk from east of the 100 degree meridian shall:

942 (a) deworm the elk within 60 days before arrival in the state;

943 (b) deworm or harvest the elk no later than 150 days after arrival in the state;

944 (c) for a bull sent to an elk ranch:

945 (i) hold the bull for harvest until the bull has completed a slaughter withdrawal period; or

947 (ii) be able to demonstrate that the elk is free from dewormer residue; and

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(d) make the elk available to the department for monitoring and inspection upon request by the department.

950 (4) The department may stop the importation of a domesticated elk or quarantine a domesticated elk if the department identifies the spread of meningeal worm in the elk or the elk's domesticated herd.

953 (5) A person who imports domesticated elk into the state from an international herd:

954 (a) may only import domesticated elk:

955 (i) that are male; and

956 (ii) to an elk ranch for use in the elk ranch; and

957 (b) shall ensure that the domesticated elk are harvested in the same season in which the domesticated elk enter the state.

959 (6) For the purpose of enforcing Subsection (5), the department may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the use of radio frequency identification tags to track male elk imported into the state from an international herd.

968 Section 27. Section **4-39-304** is amended to read:

969 **4-39-304. Marking domesticated elk.**

965 [~~(1) Each~~] A domesticated elk shall be marked by [either an official USDA tag or by] an electronic identification tag[, as provided in Subsection (2):] and unique visual tag pursuant to rules made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

969 [~~(a) within 30 days of a change of ownership; or]~~

970 [~~(b) in the case of newborn calves, within 15 days after being weaned, but in any case, no later than January 31.]~~

972 [~~(2) If a domesticated elk is identified with an electronic identification tag, it shall be placed in the right ear.]~~

979 Section 28. Section **4-41a-204** is amended to read:

980 **4-41a-204. Operating plan.**

976 (1) A person applying for a cannabis production establishment license or license renewal shall submit to the department for the department's review a proposed operating plan that complies with this section and that includes:

979 (a) a description of the physical characteristics of the proposed facility or, for a cannabis cultivation facility, no more than two facility locations, including a floor plan and an architectural elevation;

982 (b) a description of the credentials and experience of:

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- 983 (i) each officer, director, and owner of the proposed cannabis production establishment; and
985 (ii) any highly skilled or experienced prospective employee;
986 (c) the cannabis production establishment's employee training standards;
987 (d) a security plan;
988 (e) a description of the cannabis production establishment's inventory control system, including a
description of how the inventory control system is compatible with the state electronic verification
system described in Section 26B-4-202;
991 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a manner that is
sanitary and preserves the integrity of the cannabis;
993 (g) for a cannabis cultivation facility, the information described in Subsection (2);
994 (h) for a cannabis processing facility, the information described in Subsection (3); and
995 (i) for an independent cannabis testing laboratory, the information described in Subsection (4).
997 (2)
. (a) A cannabis cultivation facility shall ensure that the facility's operating plan includes the facility's
intended:
999 (i) cannabis cultivation practices, including the facility's intended pesticide use and [~~fertilizer~~] plant
food use; and
1001 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and anticipated
cannabis yield.
1003 (b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility may not:
1005 (i) for a facility that cultivates cannabis only indoors, use more than 100,000 total square feet of
cultivation space;
1007 (ii) for a facility that cultivates cannabis only outdoors, use more than four acres for cultivation; and
1009 (iii) for a facility that cultivates cannabis through a combination of indoor and outdoor cultivation, use
more combined indoor square footage and outdoor acreage than allowed under the department's
formula described in Subsection (2)(e).
1013 (c)
. (i) Each licensee may apply to the department for:
1014 (A) a one-time, permanent increase of up to 20% of the limitation on the cannabis cultivation
facility's cultivation space; or
1016

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- (B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation on the cannabis cultivation facility's cultivation space.
- 1018 (ii) After conducting a review equivalent to the review described in Subsection 4-41a-205(2)(a), if the
department determines that additional cultivation is needed, the department may:
- 1021 (A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or
- 1022 (B) grant the short-term increase described in Subsection (2)(c)(i)(B).
- 1023 (d) If a licensee describes an intended acreage or square footage under cultivation under Subsection (2)
(a)(ii) that is less than the limitation described in Subsection (2)(b), the licensee may not cultivate
more than the licensee's identified intended acreage or square footage under cultivation.
- 1027 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act, establish a formula for combined usage of indoor and outdoor cultivation that:
- 1030 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described in Subsection (2)
(b)(i) or (ii); and
- 1032 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.
- 1033 (f)
- . (i) The department may authorize a cannabis cultivation facility to operate at no more than two separate
locations.
- 1035 (ii) If the department authorizes multiple locations under Subsection (2)(f)(i), the two cannabis
cultivation facility locations combined may not exceed the cultivation limitations described in this
Subsection (2).
- 1038 (3) A cannabis processing facility's operating plan shall include the facility's intended cannabis
processing practices, including the cannabis processing facility's intended:
- 1040 (a) offered variety of cannabis product;
- 1041 (b) cannabinoid extraction method;
- 1042 (c) cannabinoid extraction equipment;
- 1043 (d) processing equipment;
- 1044 (e) processing techniques; and
- 1045 (f) sanitation and manufacturing safety procedures for items for human consumption.
- 1046 (4) An independent cannabis testing laboratory's operating plan shall include the laboratory's intended:
- 1048 (a) cannabis and cannabis product testing capability;
- 1049 (b) cannabis and cannabis product testing equipment; and

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- 1050 (c) testing methods, standards, practices, and procedures for testing cannabis and cannabis products.
- 1052 (5) Notwithstanding an applicant's proposed operating plan, a cannabis production establishment is subject to land use regulations, as defined in Sections 10-9a-103 and 17-27a-103, regarding the availability of outdoor cultivation in an industrial zone.
- 1060 Section 29. Section **4-46-302** is amended to read:
- 1061 **4-46-302. Program -- Use of money in fund -- Criteria -- Administration.**
- 1057 (1) Subject to Subsection (2), the board shall administer the LeRay McAllister Working Farm and Ranch Fund Program under which the board may authorize the use of money in the fund, by grant, to:
- 1060 (a) a local entity;
- 1061 (b) the Department of Natural Resources created under Section 79-2-201;
- 1062 (c) an entity within the department; or
- 1063 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code.
- 1065 (2)
- . (a) The money in the fund shall be used for preserving or restoring open land and agricultural land.
- 1067 (b) Except as provided in Subsection (2)(c), money from the fund:
- 1068 (i) may be used to:
- 1069 (A) establish a conservation easement under Title 57, Chapter 18, Land Conservation Easement Act; or
- 1071 (B) fund similar methods to preserve open land or agricultural land; and
- 1072 (ii) may not be used to purchase a fee interest in real property to preserve open land or agricultural land.
- 1074 (c) Money from the fund may be used to purchase a fee interest in real property to preserve open land or agricultural land if:
- 1076 (i) the property to be purchased is no more than 20 acres in size; and
- 1077 (ii) with respect to a parcel purchased in a county in which over 50% of the land area is publicly owned, real property roughly equivalent in size and located within that county is contemporaneously transferred to private ownership from the governmental entity that purchased the fee interest in real property.
- 1081 (d) Eminent domain may not be used or threatened in connection with any purchase using money from the fund.

1083

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- (e) A parcel of land larger than 20 acres in size may not be divided to create one or more parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).
- 1085 (f) A local entity, department, or organization under Subsection (1) may not receive money from the fund unless the local entity, department, or organization provides matching funds equal to or greater than the amount of money received from the fund.
- 1088 (g) In granting money from the fund, the board may impose conditions on the recipient as to how the money is to be spent.
- 1090 (h) The board shall give priority to:
- 1091 (i) working agricultural land; and
- 1092 (ii) after giving priority to working agricultural land under Subsection (2)(h)(i), requests from the Department of Natural Resources for up to 20% of each annual increase in the amount of money in the fund if the money is used for the protection of wildlife or watershed.
- 1096 (i)
- . (i) The board may not make a grant from the fund that exceeds \$1,000,000 until after making a report to the Legislative Management Committee about the grant.
- 1098 (ii) The Legislative Management Committee may make a recommendation to the board concerning the intended grant, but the recommendation is not binding on the board.
- 1101 (3) In determining the amount and type of financial assistance to provide a local entity, department, or organization under Subsection (1) and subject to Subsection (2)(i), the board shall consider:
- 1104 (a) the nature and amount of open land and agricultural land proposed to be preserved or restored;
- 1106 (b) the qualities of the open land and agricultural land proposed to be preserved or restored;
- 1108 (c) the cost effectiveness of the project to preserve or restore open land or agricultural land;
- 1110 (d) the funds available;
- 1111 (e) the number of actual and potential applications for financial assistance and the amount of money sought by those applications;
- 1113 (f) the open land preservation plan of the local entity where the project is located and the priority placed on the project by that local entity;
- 1115 (g) the effects on housing affordability and diversity; and
- 1116 (h) whether the project protects against the loss of private property ownership.
- 1117

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- (4) If a local entity, department, or organization under Subsection (1) seeks money from the fund for a project whose purpose is to protect critical watershed, the board shall require that the needs and quality of that project be verified by the state engineer.
- 1120 (5) An interest in real property purchased with money from the fund shall be held and administered by the state or a local entity.
- 1122 (6)
- . (a) The board may not authorize the use of money under this section for a project unless the land use authority for the land in which the project is located consents to the project.
- 1125 (b) To obtain consent to a project, the person who is seeking money from the fund shall submit a request for consent to a project with the applicable land use authority. The land use authority may grant or deny consent. If the land use authority does not take action within 60 days from the day on which the request for consent is filed with the land use authority under this Subsection (6), the board shall treat the project as having the consent of the land use authority.
- 1131 (c) An action of a land use authority under this Subsection (6) is not a land use decision subject to:
- 1133 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- 1134 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.
- 1140 Section 30. Section **4-46-304** is amended to read:
- 1141 **4-46-304. Agriculture Conservation Easement Account.**
- 1137 (1) There is created [~~within the General Fund a restricted account~~] an expendable special revenue fund known as the Agriculture Conservation Easement Account.
- 1139 (2) The Agriculture Conservation Easement Account consists of:
- 1140 (a) conservation easement stewardship fees;
- 1141 (b) grants from private foundations;
- 1142 (c) grants from local governments, the state, or the federal government;
- 1143 (d) grants from the Land Conservation Board created under Section 4-46-201;
- 1144 (e) donations from landowners for monitoring and enforcing compliance with conservation easements;
- 1146 (f) donations from any other person; and
- 1147 (g) interest on account money.
- 1148 (3) [~~Upon appropriation by the Legislature, the~~] The department shall use money from the account to monitor and enforce compliance with conservation easements held by the department.
- 1151

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(4) The department may not receive or expend donations from the account to acquire conservation easements.

1158 Section 31. Section **10-11-1** is amended to read:

1159 **10-11-1. Abatement of weeds, garbage, public nuisances, and hazardous materials --**
Selection of service provider.

1156 (1) As used in this chapter, "hazardous materials" means the same as that term is defined in Section 19-6-902.

1158 (2) A municipal legislative body may:

1159 (a) designate and regulate the abatement of:

1160 (i) the growth and spread of injurious and noxious weeds;

1161 (ii) garbage and refuse;

1162 (iii) a public nuisance;

1163 (iv) an illegal object or structure; or

1164 (v) for a structure or any real property closed to occupancy or entry by a local health department, hazardous materials; and

1166 (b) appoint a municipal inspector for the purpose of carrying out and in accordance with the provisions of this chapter.

1168 (3) A municipal legislative body may not:

1169 (a) prohibit an owner or occupant of real property within the municipality's jurisdiction, including an owner or occupant who receives a notice in accordance with Section 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an abatement service for injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal object or structure; or

1174 (b) require that an owner or occupant described in Subsection (3)(a) use the services of the municipal inspector or any assistance employed by the municipal inspector described in Section 10-11-3 to provide an abatement service described in Subsection (3)(a).

1178 (4) A municipality may require that an owner or occupant described in Subsection (3)(a) use the abatement services, as described in Section 10-11-3, of the municipal inspector, including the use of a certified decontamination specialist as described in Section 19-6-906, or any assistance employed by the municipal inspector if:

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- (a) the municipality adopts an ordinance providing a reasonable period of time of at least 10 days for an owner or occupant to abate the owner's or occupant's property after receiving a notice described in Section 10-11-2; and
- 1185 (b) the owner or occupant fails to abate the property within the reasonable period of time and in accordance with the notice.
- 1187 (5) A municipality may require that an owner or occupant use the abatement services of a certified decontamination specialist to abate hazardous materials.
- 1189 (6) Nothing in this chapter may be construed:
- 1190 (a) as authorizing a municipality to regulate items that are within the exclusive jurisdiction of the Department of Agriculture and Food as provided in Section 4-2-305, including commercial feed, [fertilizer] plant food, pesticides, and seeds; or
- 1193 (b) as limiting or abrogating the authority of a local health department under Section 19-6-905.
- 1200 Section 32. Section 32 is enacted to read:

CHAPTER 46b. REGULATION OF LIVESTOCK

11-46b-101. Definitions.

As used in this chapter:

- 1204 (1) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, or domesticated elk as defined in Section 4-39-102.
- 1206 (2) "Political subdivision" means:
- 1207 (a) a municipality as defined in Section 10-1-104; or
- 1208 (b) a county, as it relates to the regulation of livestock in the unincorporated area of the county.

1210 Section 33. Section 33 is enacted to read:

11-46b-102. Actions allowed regarding livestock.

- 1212 (1) If an ordinance, resolution, or policy of a political subdivision permits a person to own livestock within the political subdivision's boundaries, the political subdivision shall, in accordance with this chapter, permit the person to trade, sell, or otherwise transfer the livestock up to the number of livestock the person is permitted to own by the political subdivision.
- 1217 (2) A political subdivision may require a business license for a person described in Subsection (1) to trade, sell, or otherwise transfer livestock, except that the political subdivision may not deny the issuance of a business license based in whole or in part on the fact that the person owns livestock or is trading, selling, or otherwise transferring the livestock.

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1222 Section 34. Section **59-12-103** is amended to read:

1223 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax**
1224 **revenue.**

1198 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for
1199 amounts paid or charged for the following transactions:

1200 (a) retail sales of tangible personal property made within the state;

1201 (b) amounts paid for:

1202 (i) telecommunications service, other than mobile telecommunications service, that originates and
1203 terminates within the boundaries of this state;

1204 (ii) mobile telecommunications service that originates and terminates within the boundaries of one state
1205 only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et
1206 seq.; or

1207 (iii) an ancillary service associated with a:

1208 (A) telecommunications service described in Subsection (1)(b)(i); or

1209 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1210 (c) sales of the following for commercial use:

1211 (i) gas;

1212 (ii) electricity;

1213 (iii) heat;

1214 (iv) coal;

1215 (v) fuel oil; or

1216 (vi) other fuels;

1217 (d) sales of the following for residential use:

1218 (i) gas;

1219 (ii) electricity;

1220 (iii) heat;

1221 (iv) coal;

1222 (v) fuel oil; or

1223 (vi) other fuels;

1224 (e) sales of prepared food;

1225

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- (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;
- 1235 (g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
 - 1238 (i) the tangible personal property; and
 - 1239 (ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1) (g)(i), regardless of whether:
 - 1241 (A) any parts are actually used in the repairs or renovations of that tangible personal property; or
 - 1243 (B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;
- 1245 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;
- 1247 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;
- 1249 (j) amounts paid or charged for laundry or dry cleaning services;
- 1250 (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:
 - 1252 (i) stored;
 - 1253 (ii) used; or
 - 1254 (iii) otherwise consumed;
- 1255 (l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:
 - 1257 (i) stored;
 - 1258 (ii) used; or
 - 1259 (iii) consumed;

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- 1260 (m) amounts paid or charged for a sale:
- 1261 (i)
- . (A) of a product transferred electronically; or
- 1262 (B) of a repair or renovation of a product transferred electronically; and
- 1263 (ii) regardless of whether the sale provides:
- 1264 (A) a right of permanent use of the product; or
- 1265 (B) a right to use the product that is less than a permanent use, including a right:
- 1266 (I) for a definite or specified length of time; and
- 1267 (II) that terminates upon the occurrence of a condition; and
- 1268 (n) sales of leased tangible personal property from the lessor to the lessee made in the state.
- 1270 (2)
- . (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are imposed on a transaction described in Subsection (1) equal to the sum of:
- 1272 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1273 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1274 (B)
- . (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and
- 1279 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
- 1284 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.
- 1286 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to the sum of:
- 1289 (i) a state tax imposed on the transaction at a tax rate of 2%; and
- 1290 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.

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- 1292 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed on amounts paid or charged for food and food ingredients equal to the sum of:
- 1294 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of 1.75%; and
- 1296 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or charged for food and food ingredients under this chapter other than this part.
- 1299 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at a rate of 4.85%.
- 1302 (e)
- . (i)
- . (A) If a shared vehicle owner certifies to the commission, on a form prescribed by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle owner.
- 1307 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is required once during the time that the shared vehicle owner owns the shared vehicle.
- 1310 (C) The commission shall verify that a shared vehicle is an individual-owned shared vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the purchase of the shared vehicle.
- 1313 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.
- 1317 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.
- 1318 (iii)
- . (A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).
- 1321 (B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

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- 1326 (iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection
(2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax
under Subsection (2)(a)(i)(A) for that tax period.
- 1330 (v) A car-sharing program is not required to list or otherwise identify an individual-owned shared
vehicle on a return or an attachment to a return.
- 1332 (vi) A car-sharing program shall:
- 1333 (A) retain tax information for each car-sharing program transaction; and
- 1334 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the
commission's request.
- 1336 (f)
- . (i) For a bundled transaction that is attributable to food and food ingredients and tangible personal
property other than food and food ingredients, a state tax and a local tax is imposed on the entire
bundled transaction equal to the sum of:
- 1339 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 1340 (I) the tax rate described in Subsection (2)(a)(i)(A); and
- 1341 (II)
- . (Aa) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act,
if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in
a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
and
- 1346 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax
Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is
in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part
20, Supplemental State Sales and Use Tax Act; and
- 1351 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in
Subsection (2)(a)(ii).
- 1353 (ii) If an optional computer software maintenance contract is a bundled transaction that consists of
taxable and nontaxable products that are not separately itemized on an invoice or similar billing
document, the purchase of the optional computer software maintenance contract is 40% taxable
under this chapter and 60% nontaxable under this chapter.

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- (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):
- 1360 (A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation under this chapter unless:
- 1365 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is not subject to taxation under this chapter from the books and records the seller keeps in the seller's regular course of business; or
- 1369 (II) state or federal law provides otherwise; or
- 1370 (B) if the sales price of a bundled transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire bundled transaction is subject to taxation under this chapter at the higher tax rate unless:
- 1374 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business; or
- 1378 (II) state or federal law provides otherwise.
- 1379 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 1382 (g)
- . (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:
- 1389 (A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or
- 1392

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- (B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 1395 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 1396 (A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and
- 1400 (B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 1403 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 1406 (h)
- . (i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:
- 1410 (A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
- 1413 (B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.
- 1417 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 1420 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:
- 1422 (i) Subsection (2)(a)(i)(A);
- 1423 (ii) Subsection (2)(b)(i);
- 1424 (iii) Subsection (2)(c)(i); or

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- 1425 (iv) Subsection (2)(f)(i)(A)(I).
- 1426 (j)
- . (i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:
- 1430 (A) Subsection (2)(a)(i)(A);
- 1431 (B) Subsection (2)(b)(i);
- 1432 (C) Subsection (2)(c)(i); or
- 1433 (D) Subsection (2)(f)(i)(A)(I).
- 1434 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:
- 1437 (A) Subsection (2)(a)(i)(A);
- 1438 (B) Subsection (2)(b)(i);
- 1439 (C) Subsection (2)(c)(i); or
- 1440 (D) Subsection (2)(f)(i)(A)(I).
- 1441 (k)
- . (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:
- 1444 (A) on the first day of a calendar quarter; and
- 1445 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1447 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 1448 (A) Subsection (2)(a)(i)(A);
- 1449 (B) Subsection (2)(b)(i);
- 1450 (C) Subsection (2)(c)(i); or
- 1451 (D) Subsection (2)(f)(i)(A)(I).
- 1452 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "catalogue sale."
- 1454 (l)
- .

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- (i) For a location described in Subsection (2)(1)(ii), the commission shall determine the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
- 1458 (ii) Subsection (2)(1)(i) applies to a location where gas, electricity, heat, coal, fuel oil, or other fuel is furnished through a single meter for two or more of the following uses:
 - 1461 (A) a commercial use;
 - 1462 (B) an industrial use; or
 - 1463 (C) a residential use.
- 1464 (3)
 - . (a) The following state taxes shall be deposited into the General Fund:
 - 1465 (i) the tax imposed by Subsection (2)(a)(i)(A);
 - 1466 (ii) the tax imposed by Subsection (2)(b)(i);
 - 1467 (iii) the tax imposed by Subsection (2)(c)(i); and
 - 1468 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
 - 1469 (b) The following local taxes shall be distributed to a county, city, or town as provided in this chapter:
 - 1471 (i) the tax imposed by Subsection (2)(a)(ii);
 - 1472 (ii) the tax imposed by Subsection (2)(b)(ii);
 - 1473 (iii) the tax imposed by Subsection (2)(c)(ii); and
 - 1474 (iv) the tax imposed by Subsection (2)(f)(i)(B).
 - 1475 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1476 (4)
 - . (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b) through (g):
 - 1479 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
 - 1480 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
 - 1481 (B) for the fiscal year; or
 - 1482 (ii) \$17,500,000.
 - 1483 (b)
 - . (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount described in Subsection (4) (a) shall be transferred each year as designated sales and use tax revenue to the Division of Wildlife Resources to:

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- 1486 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect
sensitive plant and animal species; or
- 1488 (B) award grants, up to the amount authorized by the Legislature in an appropriations act,
to political subdivisions of the state to implement the measures described in Subsections
23A-3-214(3)(a) through (d) to protect sensitive plant and animal species.
- 1492 (ii) Money transferred to the Division of Wildlife Resources under Subsection (4)(b)(i) may not be used
to assist the United States Fish and Wildlife Service or any other person to list or attempt to have
listed a species as threatened or endangered under the Endangered Species Act of 1973, 16 U.S.C.
Sec. 1531 et seq.
- 1497 (iii) At the end of each fiscal year:
- 1498 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the Water Resources
Conservation and Development Fund created in Section 73-10-24;
- 1501 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the Utah Wastewater
Loan Program Subaccount created in Section 73-10c-5; and
- 1503 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the Drinking Water
Loan Program Subaccount created in Section 73-10c-5.
- 1505 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in Subsection
(4)(a) shall be ~~[deposited each year in the Agriculture Resource Development Fund created in
Section 4-18-106]~~ transferred each year as designated sales and use tax revenue to the Division of
Conservation created in Section 4-46-401 to implement water related programs.
- 1510 (d)
- . (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described in Subsection (4)
(a) shall be transferred each year as designated sales and use tax revenue to the Division of Water
Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of water
rights.
- 1514 (ii) At the end of each fiscal year:
- 1515 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the Water Resources
Conservation and Development Fund created in Section 73-10-24;
- 1518 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the Utah Wastewater
Loan Program Subaccount created in Section 73-10c-5; and
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- (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1522 (e)
- . (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described in Subsection (4) (a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources.
- 1526 (ii) In addition to the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24, the Water Resources Conservation and Development Fund may also be used to:
- 1529 (A) conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;
- 1535 (B) fund state required dam safety improvements; and
- 1536 (C) protect the state's interest in interstate water compact allocations, including the hiring of technical and legal staff.
- 1538 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.
- 1542 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 1545 (i) provide for the installation and repair of collection, treatment, storage, and distribution facilities for any public water system, as defined in Section 19-4-102;
- 1547 (ii) develop underground sources of water, including springs and wells; and
- 1548 (iii) develop surface water sources.
- 1549 (5)
- . (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1, 2006, the difference between the following amounts shall be expended as provided in this Subsection (5), if that difference is greater than \$1:

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- (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1555 (ii) \$17,500,000.
- 1556 (b)
- . (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1557 (A) transferred each fiscal year to the Department of Natural Resources as designated sales and use tax revenue; and
- 1559 (B) expended by the Department of Natural Resources for watershed rehabilitation or restoration.
- 1561 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.
- 1564 (c)
- . (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the remaining difference described in Subsection (5)(a) shall be:
- 1566 (A) transferred each fiscal year to the Division of Water Resources as designated sales and use tax revenue; and
- 1568 (B) expended by the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.
- 1570 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund created in Section 73-10-24.
- 1573 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the remaining difference described in Subsection (5)(a) shall be deposited into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:
- 1577 (i) preconstruction costs:
- 1578 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and
- 1580 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1582 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;

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- 1584 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by
Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
- 1587 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (4)(e)(ii)
after funding the uses specified in Subsections (5)(d)(i) through (iii).
- 1590 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the remaining difference
described in Subsection (5)(a) shall be deposited each year into the Water Rights Restricted Account
created by Section 73-2-1.6.
- 1593 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each fiscal year,
the commission shall deposit into the Water Infrastructure Restricted Account created in Section
73-10g-103 the amount of revenue generated by a 1/16% tax rate on the transactions described in
Subsection (1) for the fiscal year.
- 1597 (7)
- . (a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d), for a fiscal year
beginning on or after July 1, 2023, the commission shall deposit into the Transportation Investment
Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal
to 17% of the revenue collected from the following sales and use taxes:
- 1602 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1603 (ii) the tax imposed by Subsection (2)(b)(i);
- 1604 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1605 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1606 (b)
- . (i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit
under Subsection (7)(a) into the Transportation Investment Fund of 2005 by an amount equal
to .44% of the revenue collected from the following sales and use taxes:
- 1610 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1611 (B) the tax imposed by Subsection (2)(b)(i);
- 1612 (C) the tax imposed by Subsection (2)(c)(i); and
- 1613 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1614 (ii) The commission shall annually deposit the amount described in Subsection (7)(b)(i) into the
Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.
- 1617 (c)

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- . (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1, 2023, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:
- 1621 (A) the amount of revenue generated in the current fiscal year by the portion of taxes listed
under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described in
Subsections (7)(a)(i) through (iv);
- 1624 (B) the amount of revenue generated in the current fiscal year by registration fees designated under
Section 41-1a-1201 to be deposited into the Transportation Investment Fund of 2005; and
- 1627 (C) revenue transferred by the Division of Finance to the Transportation Investment Fund of 2005
in accordance with Section 72-2-106 in the current fiscal year.
- 1630 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a given fiscal year.
- 1632 (iii) The commission shall annually deposit the amount described in Subsection (7)(c)(i) into the Active
Transportation Investment Fund created in Subsection 72-2-124(11).
- 1635 (d)
- . (i) For a fiscal year beginning on or after July 1, 2024, the commission shall annually reduce the deposit
into the Transportation Investment Fund of 2005 under this Subsection (7) by an amount that is
equal to 1% of the revenue collected from the following sales and use taxes:
- 1639 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1640 (B) the tax imposed by Subsection (2)(b)(i);
- 1641 (C) the tax imposed by Subsection (2)(c)(i); and
- 1642 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1643 (ii) The commission shall annually deposit the amount described in Subsection (7)(d)(i) into the
Commuter Rail Subaccount created in Section 72-2-124.
- 1645 (8)
- . (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under Subsection (7), and
subject to Subsections (8)(b)[~~and (d)(ii)~~], for a fiscal year beginning on or after July 1, 2018, the
commission shall annually deposit into the Transportation Investment Fund of 2005 created by
Section 72-2-124 a portion of the taxes listed under Subsection (3)(a) in an amount equal to 3.68%
of the revenue collected from the following taxes:
- 1651 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1652 (ii) the tax imposed by Subsection (2)(b)(i);

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- 1653 (iii) the tax imposed by Subsection (2)(c)(i); and
1654 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1655 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
- 1660 (c) The commission shall annually deposit the amount described in Subsection (8)(b) into the Transit Transportation Investment Fund created in Section 72-2-124.
- 1662 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- 1665 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal year during which the commission receives notice under Section 63N-2-510 that construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in Section 63N-2-512.
- 1671 (11)
. (a) The rate specified in this subsection is 0.15%.
- 1672 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in Section 26B-1-315.
- 1677 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit solely for use of the Search and Rescue Financial Assistance Program created in, and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 1681 (13)
. (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.

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- 1684 (b) If the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall transfer the total revenue deposited into the Transportation Investment Fund of 2005 under Subsections (7) and (8) during the fiscal year to the General Fund.
- 1688 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning the first day of the calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment within an established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.
- 1694 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:
- 1698 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1699 (b) the tax imposed by Subsection (2)(b)(i);
- 1700 (c) the tax imposed by Subsection (2)(c)(i); and
- 1701 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1702 (16) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission shall transfer to the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as defined in Section 11-70-101.
- 1707 (17)
- . (a) As used in this Subsection (17):
- 1708 (i) "Additional land" means point of the mountain state land described in Subsection 11-59-102(6)
- (b) that the point of the mountain authority acquires after the point of the mountain authority provides the commission a map under Subsection (17)(c).
- 1711 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority, created in Section 11-59-201.
- 1713 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
- 1715

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- (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the mountain authority 50% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the mountain state land.
- 1719 (c) The distribution under Subsection (17)(b) shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map that:
- 1722 (i) accurately describes the point of the mountain state land; and
- 1723 (ii) the point of the mountain authority certifies as accurate.
- 1724 (d) A distribution under Subsection (17)(b) with respect to additional land shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map of point of the mountain state land that:
- 1727 (i) accurately describes the point of the mountain state land, including the additional land; and
- 1729 (ii) the point of the mountain authority certifies as accurate.
- 1730 (e)
- . (i) Upon the payment in full of bonds secured by the sales and use tax revenue distributed to the point of the mountain authority under Subsection (17)(b), the point of the mountain authority shall immediately notify the commission in writing that the bonds are paid in full.
- 1734 (ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection (17)(b) at the beginning of the calendar quarter that begins at least 90 days after the date that the commission receives the written notice under Subsection (17)(e)(i).
- 1765 Section 35. Section **63J-1-602.2** is amended to read:
- 1766 **63J-1-602.2. List of nonlapsing appropriations to programs.**
- Appropriations made to the following programs are nonlapsing:
- 1741 (1) The Legislature and the Legislature's committees.
- 1742 (2) The State Board of Education, including all appropriations to agencies, line items, and programs under the jurisdiction of the State Board of Education, in accordance with Section 53F-9-103.
- 1745 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 1746 (4) The Percent-for-Art Program created in Section 9-6-404.
- 1747 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in [~~Section 4-46-301~~] Title 4, Chapter 46, Part 3, LeRay McAllister Working Farm and Ranch Fund Program.
- 1750 (6) The Utah Lake Authority created in Section 11-65-201.
- 1751

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- (7) Dedicated credits accrued to the Utah Marriage Commission as provided under Subsection 17-16-21(2)(d)(ii).
- 1753 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 1754 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection 26B-3-108(7).
- 1756 (10) The primary care grant program created in Section 26B-4-310.
- 1757 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 1758 (12) The Utah Health Care Workforce Financial Assistance Program created in Section 26B-4-702.
- 1760 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 1761 (14) The Utah Medical Education Council for the:
- 1762 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
- 1763 (b) provision of medical residency grants described in Section 26B-4-711; and
- 1764 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 1765 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 1766 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program created in Section 26B-7-122.
- 1768 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with Subsection 32B-2-301(8)(a) or (b).
- 1770 (18) The General Assistance program administered by the Department of Workforce Services, as provided in Section 35A-3-401.
- 1772 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 1773 (20) The Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.
- 1775 (21) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 1776 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1777 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in Section 53B-6-104.
- 1779 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection 53G-10-608(6).
- 1781 (25) The Division of Fleet Operations for the purpose of upgrading underground storage tanks under Section 63A-9-401.
- 1783 (26) The Division of Technology Services for technology innovation as provided under Section 63A-16-903.
- 1785 (27) The State Capitol Preservation Board created by Section 63O-2-201.

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- 1786 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 1787 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado River Authority of Utah Act.
- 1789 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1791 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.
- 1794 (32) County correctional facility contracting program for state inmates as described in Section 64-13e-103.
- 1796 (33) County correctional facility reimbursement program for state probationary inmates and state parole inmates as described in Section 64-13e-104.
- 1798 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 1799 (35) The Division of Human Resource Management user training program, as provided in Section 63A-17-106.
- 1801 (36) A public safety answering point's emergency telecommunications service fund, as provided in Section 69-2-301.
- 1803 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 1804 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a settlement of federal reserved water right claims.
- 1807 (39) The Judicial Council for compensation for special prosecutors, as provided in Section 77-10a-19.
- 1809 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 1810 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 1811 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 1812 (43) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.
- 1814 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.
- 1816 (45) The program established by the Division of Facilities Construction and Management under Section 63A-5b-703 under which state agencies receive an appropriation and pay lease payments for the use and occupancy of buildings owned by the Division of Facilities Construction and Management.
- 1820 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with Section 59-2-1802.5.

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- 1822 (47) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
1850 Section 36. Section **73-10g-205** is amended to read:
1851 **73-10g-205. Agricultural Water Optimization Committee.**
- 1825 (1) There is created in the department a committee known as the "Agricultural Water Optimization
Committee" that consists of:
- 1827 (a) the commissioner of the department, or the commissioner's designee;
1828 (b) the director of the division, or the director's designee;
1829 (c) the director of the Division of Water Rights, or the director's designee;
1830 (d) the dean of the College of Agriculture and Applied Science from Utah State University, or the
dean's designee;
1832 (e) one individual representing local conservation districts created by Title 17D, Chapter 3,
Conservation District Act, appointed by the executive director of the Department of Natural
Resources;
1835 (f) one individual representing water conservancy districts, appointed by the executive director of the
Department of Natural Resources; and
1837 (g) three Utah residents representing the interests of the agriculture industry appointed by the executive
director of the Department of Natural Resources.
- 1839 (2)
. (a) An individual appointed under Subsection (1) shall serve for a term of four years.
1840 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director of the Department
of Natural Resources shall, at the time of appointment or reappointment, adjust the length of terms
to ensure that the terms of appointed members are staggered so that approximately half of the
appointed members are appointed every two years.
- 1845 (3)
. (a) The presence of five members constitutes a quorum.
1846 (b) The vote of five members constitutes the transaction of business by the committee.
1847 (c) The committee shall select one of the committee's members to be chair. The committee may select a
member to be vice chair to act in place of the chair:
1849 (i) during the absence or disability of the chair; or
1850 (ii) as requested by the chair.
1851 (d) The committee shall convene at the times and places prescribed by the chair.

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- 1852 (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- 1854 (a) Section 63A-3-106;
- 1855 (b) Section 63A-3-107; and
- 1856 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- 1858 (5) The department shall provide administrative support to the committee.
- 1859 (6) The committee shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:
- 1861 (a) eligibility requirements for a grant issued under Section 73-10g-206, except that the eligibility requirements shall:
- 1863 (i) require at least a match for grant money of 50% of the total costs, except that for a grant application filed on or after January 1, 2024, the eligibility requirements shall require at least a match of 25% of the total costs for:
- 1866 (A) a subsurface drip [or automated surge] irrigation project;
- 1867 (B) an automated surge irrigation project; or
- 1868 (C) a measurement, telemetry, or reporting project;
- 1869 (ii) consider the statewide need to distribute grant money;
- 1870 (iii) require a grant recipient to construct or install and maintain one or more measuring devices as necessary to comply with Section 73-5-4 and rules adopted by the Division of Water Rights regarding installation, use, and maintenance of devices to measure water use and to demonstrate water use in accordance with a project funded by a grant; and
- 1875 (iv) require a grant recipient to report water diversion and use measurements to the state engineer pursuant to Section 73-5-4 and rules made by the state engineer, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for water measurement and reporting;
- 1879 (b) the process for applying for a grant issued under Section 73-10g-206; and
- 1880 (c) preliminary screening criteria to be used by the department under Subsection 73-10g-206(2)(d).
- 1882 (7) The committee shall, in coordination with the division:
- 1883 (a) as of July 1, 2023, assume oversight of all remaining research and contracts of the previous Agricultural Water Optimization Task Force activities;
- 1885

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(b) post research to address and account for farm economics at the enterprise and community level that affects agricultural water optimization and encourage market behavior that financially rewards agricultural water optimization practices;

1888 (c) oversee research to identify obstacles to and constraints upon optimization of agricultural water use, and to recommend management tools, technologies, and other opportunities to optimize agricultural water use as measured at the basin level; and

1891 (d) facilitate benefits for farmers who optimize water use and protect water quality.

1892 (8) The committee shall comply with Section 73-10g-206 related to grants issued under this part.

1921 Section 37. **Repealer.**

This Bill Repeals:

1922 This bill repeals:

1923 Section **4-13-101, Title.**

1924 Section **4-18-107, Utah Agriculture Certificate of Environmental Stewardship Program.**

1925 Section **19-5-105.6, Agriculture Certificate of Environmental Stewardship.**

1926 Section 38. **Effective date.**

This bill takes effect on May 7, 2025.

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