

Casey Snider proposes the following substitute bill:

**Agriculture and Food Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl R. Albrecht**

Senate Sponsor: Don L. Ipson

2

3 **LONG TITLE**

4 **General Description:**

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

7 **Highlighted Provisions:**

8 This bill:

- 9     ▸ modifies the definition of "qualified veterinarian";
- 10    ▸ changes references to the National Council on Weights and Measures;
- 11    ▸ changes the Utah Fertilizer Act to the Utah Plant Food Act, including modifying  
12 definitions and making conforming references;
- 13    ▸ repeals the Utah Agriculture Certificate of Environmental Stewardship Program;
- 14    ▸ changes the time frames for annual fees under the Agricultural and Wildlife Damage  
15 Prevention Act;
- 16    ▸ addresses the expiration of livestock brands;
- 17    ▸ modifies information to be provided to operate a livestock market;
- 18    ▸ amends the Domesticated Elk Act to address licensing, record retention, health  
19 information, and marking of domesticated elk;
- 20    ▸ clarifies that money in the LeRay McAllister Working Farm and Ranch Fund Program is  
21 nonlapsing;
- 22    ▸ changes the Agriculture Conservation Easement Account to an expendable special  
23 revenue fund;
- 24    ▸ addresses use of money in the Agriculture Resource Development Fund to pay  
25 administrative costs;
- 26    ▸ addresses regulation of livestock by political subdivisions;
- 27    ▸ modifies the earmarking of sales and use taxes related to the Division of Conservation  
28 within the Department of Agriculture and Food;

- 29       ▸ addresses grants under the agricultural water optimization program; and
- 30       ▸ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32       None

33 **Other Special Clauses:**

34       None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37       **3-1-4**, 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
- 39       Coordination Clause, Laws of Utah 2017, Chapter 345
- 40       **4-2-901**, 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
- 42       **4-9-107**, 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
- 44       **4-9-109**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 45       **4-13-102**, as last amended by Laws of Utah 2023, Chapter 528
- 46       **4-13-103**, as last amended by Laws of Utah 2020, Chapter 311
- 47       **4-13-104**, as last amended by Laws of Utah 2020, Chapter 311
- 48       **4-13-105**, as last amended by Laws of Utah 2020, Chapter 311
- 49       **4-13-106**, as last amended by Laws of Utah 2020, Chapter 311
- 50       **4-13-108**, as last amended by Laws of Utah 2020, Chapter 311
- 51       **4-13-109**, as last amended by Laws of Utah 2020, Chapter 311
- 52       **4-13-110**, as enacted by Laws of Utah 2020, Chapter 311
- 53       **4-18-102**, as last amended by Laws of Utah 2022, Chapter 68
- 54       **4-18-103**, 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
- 56       **4-23-107**, 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
- 58       **4-30-105**, as last amended by Laws of Utah 2020, Chapter 154
- 59       **4-39-203**, as last amended by Laws of Utah 2017, Chapter 345
- 60       **4-39-205**, as last amended by Laws of Utah 2018, Chapter 355
- 61       **4-39-206**, as last amended by Laws of Utah 2017, Chapter 345
- 62       **4-39-301**, as last amended by Laws of Utah 2017, Chapter 345

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

72 ENACTS:

73 **11-46b-101**, Utah Code Annotated 1953  
 74 **11-46b-102**, Utah Code Annotated 1953

75 REPEALS:

76 **4-13-101**, as renumbered and amended by Laws of Utah 2017, Chapter 345  
 77 **4-18-107**, as last amended by Laws of Utah 2017, Chapter 345  
 78 **19-5-105.6**, as enacted by Laws of Utah 2014, Chapter 383

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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.**

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

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

97 (6) financing any of the above enumerated activities.

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

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

100 (1) Subject to concurrence with relevant federal laws and except as provided in Subsection

101 (4), the department has exclusive jurisdiction over regulation regarding:

102 (a) commercial feed, as described in Chapter 12, Utah Commercial Feed Act;

103 (b) fertilizer, as described in [~~Chapter 13, Utah Fertilizer Act~~] Chapter 13, Utah Plant  
104 Food Act;

105 (c) pesticides, as described in Chapter 14, Utah Pesticide Control Act; and

106 (d) seeds, as described in Chapter 16, Utah Seed Act.

107 (2) The regulation of commercial feed, fertilizer, pesticides, and seeds within the state is of  
108 statewide concern, except as provided in Subsection (4), and this title occupies the  
109 whole field of potential regulation.

110 (3) Except as provided in Subsection (4), a political subdivision of the state is prohibited  
111 from regulating commercial feed, fertilizer, pesticides, and seeds, and local ordinances,  
112 resolutions, amendments, regulations, or laws that seek to do so are void.

113 (4) Nothing in this section preempts or otherwise limits the authority of a political  
114 subdivision to:

115 (a) adopt and enforce zoning regulations, fire codes, building codes, or waste disposal  
116 restrictions; or

117 (b) in consultation with the department, enforce, maintain, amend, or otherwise continue  
118 to implement a regulation created on or before January 1, 2017, related to the use of  
119 pesticides and fertilizers in surface water and groundwater source water protection  
120 areas.

121 Section 3. Section **4-2-901** is amended to read:

122 **4-2-901 . Definitions.**

123 As used in this part:

124 (1) "Animal shelter" means the same as that term is defined in Section 11-46-102.

125 (2) "Education loan" means a loan received for education at a domestic or foreign  
126 institution of higher education, including a school or college of veterinary medicine.

127 (3) "Education loan balance" includes charges for paying off the balance of the loan.

128 (4) "Indian country" means the same as that term is defined in 18 U.S.C. Sec. 1151.

129 (5) "Livestock" means the same as that term is defined in Section 4-1-109.

130 (6) "Loan" means a loan that is made directly by, insured by, or guaranteed under a

131 government program of:

132 (a) a state;

133 (b) the United States; or

134 (c) a foreign government.

135 (7) "Maximum payment value" means the lesser of:

136 (a) the sum of a qualified veterinarian's education loan balances; or

137 (b) \$20,000.

138 (8) "Program" means the Veterinarian Education Loan Repayment Program created in

139 Section 4-2-902.

140 (9) "Qualified veterinarian" means a veterinarian who has practiced, as defined by rule

141 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as

142 a veterinarian:

143 (a) in an area of the state that is Indian country;

144 (b) in an animal shelter within the state operated by:

145 (i) a county;

146 (ii) a municipality; or

147 (iii) an organization that is exempt from federal income taxation under Section

148 501(c)(3), Internal Revenue Code;

149 (c) in any area of the state as an employee of the department;

150 (d) in any combination of the ~~[places]~~ areas described in Subsections (9)(a) through (c);

151 or

152 (e) with a practice that includes:

153 (i) ~~[-]at least 30% livestock medicine[-] ; or~~

154 (ii) at least 20% livestock medicine if the veterinarian practices at least 10% in any

155 combination of the areas described in Subsection (9)(a) through (c).

156 (10) "Veterinarian" means an individual licensed under Title 58, Chapter 28, Veterinary

157 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**

160 **published in National Institute of Standards and Technology Handbook govern.**

161 Unless modified by the department, Handbook 44, Specifications, Tolerances, and Other

162 Technical Requirements for Weighing and Measuring Devices, National Institute of Standards

163 and Technology, adopted by the National ~~[Conference]~~ Council on Weights and Measures,

164 including supplements or revisions to Handbook 44, shall determine the specifications,

165 tolerances, and other technical requirements for devices used for:

166 (1) commercial weighing and measuring;

167 (2) law enforcement;

168 (3) data gathering; and

169 (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.**

172 Unless modified by the department, the Uniform Packaging and Labeling Regulation,  
173 adopted by the National [~~Conference~~] Council on Weights and Measures in Handbook 130,  
174 Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality,  
175 National Institute of Standards and Technology, shall apply to packaging and labeling in the  
176 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.**

179 Unless modified by the department, the Uniform Regulation for the Method of Sale of  
180 Commodities, adopted by the National [~~Conference~~] Council on Weights and Measures, in  
181 Handbook 130, Uniform Laws and Regulations in the Areas of Legal Metrology and Engine  
182 Fuel Quality, National Institute of Standards and Technology, shall apply to the method of sale  
183 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**  
186 **servicepersons and service agencies for commercial weighing and measuring devices.**

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

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

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

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

196 As used in this chapter:

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

198 (a) contains a deleterious or harmful substance in sufficient amount to render it injurious

- 199 to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in  
200 accordance with the directions for use on the label;
- 201 (b) has a composition that falls below or differs from that which the composition is  
202 purported to possess by the composition's labeling;
- 203 (c) contains unwanted crop or weed seed; or
- 204 (d) exceeds levels of metals permitted by the United States Environmental Protection  
205 Agency.
- 206 (2) "~~Beneficial [substances or compounds]" means a substance or compound other than~~  
207 ~~primary, secondary, and micro plant nutrients that can be demonstrated by scientific~~  
208 ~~research to be beneficial to one or more species of plants when applied exogenously]~~  
209 substance" means a substance or compound, other than a primary nutrient, secondary  
210 nutrient, or micro plant nutrient, and excluding a pesticide, that can be demonstrated by  
211 scientific research to be beneficial to one or more species of plants, soil, or media.
- 212 [~~(3) "Biostimulant" means a product containing naturally-occurring substances and~~  
213 ~~microbes that are used to stimulate plant growth, enhance resistance to plant pests, and~~  
214 ~~reduce abiotic stress.]~~
- 215 [~~(4)] (3) "Blender" means a person engaged in the business of blending or mixing [fertilizer,~~  
216 ~~soil amendments, or both] plant food.~~
- 217 [~~(5)] (4) "Brand" means a term, design, or trade mark used in connection with one or several~~  
218 ~~grades of [fertilizer or soil amendment] plant food.~~
- 219 [~~(6)] (5) "Bulk[ fertilizer]" means [fertilizer delivered to the purchaser either in solid or~~  
220 ~~liquid state in a non-packaged form to which a label cannot be attached] plant food~~  
221 ~~delivered to a purchaser in a non-packaged form.~~
- 222 [~~(7)] (6) "Custom blend" means a [fertilizer] plant food blended according to specification~~  
223 ~~provided to a blender in a soil test nutrient recommendation or to meet the specific~~  
224 ~~consumer request before blending.~~
- 225 [~~(8)] (7) "Deficiency" means the amount of nutrient found by analysis to be less than that~~  
226 ~~guaranteed.~~
- 227 [~~(9)] (8) "Derivation" means the source from which the guaranteed nutrients are derived.~~
- 228 [~~(10)] (9) "Distribute" means to [import, consign, manufacture, produce, compound, mix,~~  
229 ~~blend, or to offer for sale, sell, barter, or supply fertilizer or soil amendments in the state]~~  
230 ~~offer for sale, sell, exchange, or barter plant food.~~
- 231 [~~(11)] (10) "Distributor" means a person who distributes.~~
- 232 [~~(12)] (11) "Fertilizer" means a substance that contains one or more recognized plant~~

233 nutrients that is used for the substance's plant nutrient content and is designed for use or  
 234 claimed to have value in promoting plant growth, exclusive of unmanipulated animal  
 235 and vegetable manures, marl, lime, limestone, wood ashes, gypsum, and other products  
 236 exempted by rule.

237 [(13)] (12) "Fertilizer material" means a fertilizer that contains:

- 238 (a) quantities of no more than one of the primary plant nutrients, nitrogen (N), phosphate  
 239 (P2O5), Potash (K2O);
- 240 (b) 85% plant nutrients in the form of a single chemical compound; or
- 241 (c) plant or animal residues or by-products, or a natural material deposit that is  
 242 processed so that its primary plant nutrients have not been materially changed, except  
 243 through purification and concentration.

244 [(14)] (13) "Grade" means the percentage of total nitrogen, available phosphate and soluble  
 245 potash stated in the same terms, order, and percentages as in the guaranteed analysis.

246 [(15)] (14)(a) "Guaranteed analysis" means the minimum percentage by weight of plant  
 247 nutrients claimed in the following order and form:

248 Total Nitrogen (N)	_____ percent
250 Available Phosphate (P2O5)	_____ percent
251 Soluble Potash (K2O)	_____ percent

- 252 (b) For unacidulated mineral phosphatic material and basic slag, bone, tankage, and  
 253 other organic phosphate or degree of fineness may also be guaranteed.
- 254 (c)(i) Guarantees for plant nutrients other than nitrogen, phosphorus, and potassium  
 255 may be permitted or required by rule of the department.
- 256 (ii) The guarantees for such other nutrients shall be expressed in the form of the  
 257 element.
- 258 (iii) The sources of such other nutrients, such as oxides, salt, chelates, may be  
 259 required to be stated on the application for registration and may be included as a  
 260 parenthetical statement on the label.
- 261 (iv) Other beneficial substances or compounds, determinable by laboratory methods,  
 262 also may be guaranteed by permission of the department.
- 263 (v) Any plant nutrients or other substances or compounds guaranteed are subject to  
 264 inspection and analysis in accord with the methods and rules prescribed by the  
 265 department.

266 [(16)] (15) "Investigational allowance" means an allowance for variations inherent in the



- 267 taking, preparation, and analysis of an official sample of [~~fertilizer or soil amendment~~]  
 268 plant food.
- 269 [(17)] (16) "Label" means the display of the written, printed, or graphic matter upon the  
 270 immediate container or statement accompanying [~~a fertilizer or soil amendment~~] plant  
 271 food.
- 272 [(18)] (17) "Labeling" means the written, printed, or graphic matter upon or accompanying [  
 273 ~~fertilizer or soil amendment~~] plant food, or advertisements, brochures, posters, television  
 274 and radio announcements used in promoting the sale of [~~fertilizers or soil amendments~~]  
 275 plant food.
- 276 [(19)] (18) "Lot" means a definite quantity identified by a combination of numbers, letters,  
 277 characters, or amount represented by a weight certificate from which every part is  
 278 uniform within recognized tolerances from which the distributor can be determined.
- 279 [(20)] (19) "Micro plant nutrient" means boron, chlorine, [~~cobalt~~] cobalt, copper, iron,  
 280 manganese, molybdenum, nickel, sodium, and zinc.
- 281 [(21)] (20) "Mixed fertilizer" means a fertilizer containing any combination or mixture of  
 282 fertilizer materials.
- 283 [(22) "Nonplant food ingredient" means a substance or compound other than the primary,  
 284 secondary, or micro nutrients.]
- 285 [(23)] (21) "Official sample" means a sample of [~~fertilizer or soil amendment~~] plant food  
 286 taken by the department and designated as "official."
- 287 [(24) "Other ingredients" means the non-soil amending ingredients present in soil  
 288 amendments.]
- 289 [(25)] (22) "Percent" or "percentage" means the percentage by weight.
- 290 [(26)] (23) "Plant amendment" means a substance applied to plants or seeds that is intended  
 291 to improve growth, yield, product quality, reproduction, flavor, or other favorable  
 292 characteristics of plants except fertilizer, soil amendments, agricultural liming materials,  
 293 animal and vegetable manure, pesticides, or plant regulators.
- 294 (24) "Plant biostimulant" means a substance, microorganism, or mixture of a substance and  
 295 microorganism, that, when applied to seeds, plants, the rhizosphere, soil, or other growth  
 296 media, act to support a plant's natural nutrition processes independently of the  
 297 biostimulant's nutrient content, and thereby improving:
- 298 (a) nutrient availability;
- 299 (b) uptake;
- 300 (c) use efficiency;

- 301 (d) tolerance to abiotic stress; and
- 302 (e) consequent growth, development, quality, or yield.
- 303 (25) "Plant food" means a fertilizer, soil amendment, beneficial substance, plant
- 304 amendment, plant biostimulant, plant inoculant, soil inoculant, or any combination of
- 305 these products.
- 306 (26) "Plant inoculant" means a product consisting of microorganisms to be applied to the
- 307 plant or soil for the purpose of enhancing the availability or uptake of plant nutrients
- 308 through the root system.
- 309 (27) "Primary nutrient" includes total nitrogen, available phosphate, and soluble potash.
- 310 (28) "Registrant" means a person who registers a [~~fertilizer or a soil amendment~~] plant food
- 311 under this chapter.
- 312 (29) "Secondary nutrient" includes calcium, magnesium, and sulfur.
- 313 [~~(30) "Slow-release fertilizer" means a fertilizer in a form that releases, or converts to a~~
- 314 ~~plant-available form, plant nutrients at a slower rate relative to an appropriate reference~~
- 315 ~~soluble product.]~~
- 316 [~~(31)~~] (30) "Soil amending ingredient" means a substance that will improve the physical,
- 317 chemical, biochemical, biological, or other characteristics of the soil.
- 318 [~~(32)~~] (31) "Soil amendment" means a substance or a mixture of substances that is intended
- 319 to improve the physical, chemical, biochemical, biological, or other characteristics of the
- 320 soil, except fertilizers, agricultural liming materials, unmanipulated animal manures,
- 321 unmanipulated vegetable manures, or pesticides.
- 322 (32) "Soil inoculant" means a microbial product that is applied to colonize the soil to
- 323 benefit the soil chemistry, biology, or structure.
- 324 (33) "Specialty fertilizer" means fertilizer distributed primarily for non-farm use, such as
- 325 home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries,
- 326 greenhouses, and nurseries.
- 327 (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 --**
- 330 **Fees -- Expiration -- Renewal -- Exemptions specified -- Blenders and mixers.**
- 331 (1)(a) [~~A brand and grade of fertilizer or soil amendment shall be registered in the name~~
- 332 ~~of the person whose name appears upon the label before being distributed in this state]~~
- 333 Before a plant food is distributed in this state, a person shall register the brand and
- 334 grade of the plant food in the name of the person whose name appears upon the label

- 335 of the plant food.
- 336 (b) ~~[The]~~ A person shall submit an application for registration~~[-shall be submitted]~~ to the  
337 department on a form prescribed and furnished by the department, and shall ~~[be~~  
338 ~~accompanied by]~~ accompany the application with payment of a fee determined by the  
339 department pursuant to Subsection 4-2-103(2) for each brand and grade.
- 340 (c) Upon approval by the department, the department shall furnish a copy of the  
341 registration ~~[shall be furnished]~~ to the applicant.
- 342 (d)(i) A registration expires at midnight on December 31 of the year in which issued.
- 343 (ii) A registration is renewable for a period of one year upon the payment of an  
344 annual registration renewal fee in an amount equal to the current applicable  
345 original registration fee.
- 346 (iii) A person shall pay the renewal fee ~~[shall be paid]~~ on or before December 31 of  
347 each year.
- 348 (2) A distributor is not required to register ~~[fertilizer]~~ plant food that has been registered by  
349 another person under this chapter if the label does not differ in any respect.
- 350 (3)(a) A blender is not required to register each grade of ~~[fertilizer or soil amendment]~~  
351 plant food formulated according to specifications provided by a consumer before  
352 mixing, but is required to:
- 353 (i) license the name under which the business of blending or mixing is conducted;  
354 (ii) pay an annual blenders license fee determined by the department pursuant to  
355 Subsection 4-2-103(2); and  
356 (iii) label the ~~[fertilizer or soil amendment]~~ plant food as provided in Section 4-13-104.
- 357 (b)(i) A blenders license expires at midnight on December 31 of the year in which the  
358 license is issued.
- 359 (ii) A blenders license is renewable for a period of one year upon the payment of an  
360 annual license renewal fee in an amount equal to the current applicable original  
361 blenders license fee.
- 362 (iii) A renewal fee shall be paid on or before December 31 of each year.
- 363 (4)(a) ~~[A]~~ The department shall assess a tonnage fee ~~[shall be assessed]~~ on fertilizer ~~[and~~  
364 ~~soil amendment]~~ products sold in the state.
- 365 (b) The fee shall be determined by the department pursuant to Subsection 4-2-103(2).
- 366 (c) When more than one person is involved in the distribution of a fertilizer~~[-or soil~~  
367 ~~amendment]~~, the final person who has the fertilizer ~~[or soil amendment]~~ registered  
368 and distributed to a non-registrant or consumer is responsible for reporting the

369 tonnage and paying the tonnage fee, unless the report and payment is made by a prior  
 370 distributor of the fertilizer~~[-or soil amendment]~~.

371 (d) ~~[The]~~ A person shall submit the tonnage report ~~[shall be submitted]~~ on a form  
 372 provided by the department on or before December 31 annually covering shipments  
 373 made during the preceding 12-month period from November 1 to October 31.

374 (e) Revenue generated by the fee shall be deposited into the General Fund as dedicated  
 375 credits to be used by the department for education and research about and promotion  
 376 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.**

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

381 (a) brand name and grade;

382 (b) guaranteed analysis, except that:

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

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

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

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

391 (d) directions for use when applicable;

392 (e) caution or warning statement when applicable;

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

394 (g) net weight or volume; and

395 (h) lot number.

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

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

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

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

- 403 (c) net weight or volume; and
- 404 (d) lot number.

405 (4) A person who ships fertilizer material shall accompany the shipment of fertilizer  
 406 material [shall be accompanied by] with a printed or written statement setting forth the:

- 407 (a) information specified in Subsections (1)(a) through (c);
- 408 (b) name and address of the registrant if different from the supplier or shipper;
- 409 (c) net weight or volume; and
- 410 (d) lot number.

411 [~~(5) The grade is not required on a fertilizer label when no primary nutrients are claimed or~~  
 412 ~~are less than one percent.]~~

413 [~~(6) Additional nutrient guarantees may not be an extension of the grade statement and shall~~  
 414 ~~be a separate line or include terms such as "plus," "with," or "including."]~~

415 [~~(7)~~ (5) A soil amendment or beneficial substance distributed in the state shall bear a label  
 416 in clearly legible and conspicuous form setting forth[the]:

- 417 (a) the brand name;
- 418 (b) a statement of composition showing the amount of each non-nutritive ingredient, that  
 419 is the agent in a product primarily responsible for the intended effects using the  
 420 following format:
- 421 (i) for a soil amendment:

<b>SOIL AMENDING INGREDIENTS</b>	
<u>1. Name of the ingredient</u>	<u>% or other acceptable units</u>

424 (ii) for a beneficial substance:

<b>CONTAINS BENEFICIAL SUBSTANCE(S)</b>	
<u>1. Name of beneficial substance</u>	<u>% or other acceptable units</u>
<u>2. Genus and species of microorganism</u>	<u>viable CFU/cm<sup>3</sup>,/mL,/g, or other acceptable units</u>
<u>3. Name of the ingredient</u>	<u>% or other acceptable units</u>
<u>(Substances shall include ingredient source, if applicable. Ex. humic acid from leonardite or saponin from Yucca schidigera)</u>	

430 [~~(b) guaranteed analysis, which includes:]~~

431 [~~(i) nonplant food ingredients separated out by soil amending ingredients and other~~  
 432 ~~total ingredients, in that order, by percentages; and]~~

- 433            ~~[(ii) nonsoil amending ingredients separating out beneficial substances and beneficial~~  
434            ~~compounds, in that order, by percentage or acceptable units;]~~
- 435        (c) the purpose of product;
- 436        (d) the direction for application;
- 437        (e) the caution or warning statement when applicable;
- 438        (f) the name and address of the registrant or the manufacturer, if different from the  
439            registrant; and
- 440        (g) the net weight or volume.
- 441    (6) In case of a bulk shipment, the information required by Subsection (5) in written or  
442            printed form shall accompany delivery and be supplied to the purchaser at time of  
443            delivery.
- 444    (7) The grade is not required on a fertilizer label when no primary nutrients are claimed or  
445            are less than 1%.
- 446    (8) Additional nutrient guarantees may not be an extension of the grade statement and shall  
447            be a separate line or include terms such as "plus," "with," or "including."
- 448    ~~[(8)]~~ (9) The department may require proof of claims made, usefulness, and value of the soil  
449            amendments.
- 450    ~~[(9) For evidence of proof the department may rely on experimental data, evaluations, or~~  
451            ~~advice supplied from such sources as the director of the Agricultural Experiment~~  
452            ~~Station. The experimental design shall be related to state conditions for which the~~  
453            ~~product is intended.]~~
- 454    (10) Information or a statement may not appear on a package, label, delivery slip, or  
455            advertising matter that is false or misleading to the purchaser as to the use, value,  
456            quality, analysis, type, or composition of the ~~[soil amendment]~~ plant food.
- 457    (11) A ~~[fertilizer]~~ plant food is misbranded if:
- 458            (a) the ~~[fertilizer's]~~ labeling is false or misleading in any particular;
- 459            (b) the ~~[fertilizer]~~ plant food is distributed under the name of another ~~[fertilizer]~~ plant food  
460            product;
- 461            (c) the ~~[fertilizer]~~ plant food is not labeled as required; or
- 462            (d) the ~~[fertilizer]~~ plant food purports to be or is represented as ~~[fertilizer]~~ plant food, or is  
463            represented as containing ~~[a plant nutrient fertilizer]~~ an ingredient that does not  
464            conform with the definition of identity or any commonly accepted definitions of  
465            official fertilizer terms.
- 466    (12) An abbreviation, brand name, trade mark, or trade name may not appear in a derivation

467 statement.

468 Section 11. Section **4-13-105** is amended to read:

469 **4-13-105 . Enforcement -- Inspection and samples authorized -- Methods for**  
470 **sampling and analysis prescribed -- Warrants.**

471 (1) The department shall periodically sample, inspect, analyze, and test [~~fertilizers and soil~~  
472 ~~amendments~~] plant food distributed within this state to determine [~~if they comply~~]  
473 whether the plant food complies with this chapter.

474 (2)(a) The methods of sampling and analysis shall be those adopted by the AOAC  
475 International.

476 (b) In a case not covered by the methods adopted under Subsection (2)(a), or in a case  
477 when a method is available in which improved applicability has been demonstrated,  
478 the department may adopt appropriate methods from other sources.

479 (3) In determining whether a [~~fertilizer or soil amendment~~] plant food is deficient, the  
480 department shall be guided solely by the official sample.

481 (4)(a) The department may enter any public or private premises or carriers during  
482 regular business hours to have access to [~~fertilizers or soil amendments~~] plant food  
483 and records relating to the distribution of [~~fertilizers and soil amendments~~] plant food  
484 subject to this chapter.

485 (b) If admittance is refused, the department may proceed immediately to obtain an ex  
486 parte warrant from the nearest court [~~of competent~~] with jurisdiction to allow entry  
487 upon the premises for the purpose of making inspections and obtaining samples.

488 (5) The department shall distribute the results of an official sample.

489 (6) The department shall retain an official sample for a minimum of 90 days from the  
490 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**  
493 **prohibited -- Penalty assessed -- Court action to vacate or amend finding authorized --**  
494 **Adulterated plant food.**

495 (1) A person may not distribute in this state a [~~fertilizer, fertilizer material, soil amendment,~~  
496 ~~or specialty fertilizer~~] plant food if the official sample [~~thereof~~] of the plant food  
497 establishes that the [~~fertilizer, fertilizer material, soil amendment, or specialty fertilizer~~]  
498 plant food is deficient in the nutrients or ingredients guaranteed on the label by an  
499 amount exceeding the values established by rule.

500 (2) The department shall evaluate and take administrative action the department prescribes

501 for a deficiency beyond the investigational allowances established by the department.  
 502 (3) A registrant aggrieved by the finding of an official sample deficiency may file a  
 503 complaint with a court [~~of competent~~] with jurisdiction to vacate or amend the finding of  
 504 the department.

505 (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,**  
 508 **use, or removal order authorized -- Court action -- Procedure -- Costs.**

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

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

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

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

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

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

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



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

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

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

541 This chapter may not be construed to restrict or avoid sales or exchanges of [~~fertilizers~~  
 542 ~~or soil amendments~~] plant food to each other by importers, manufacturers, or manipulators who  
 543 mix [~~fertilizer or soil amendment~~] plant food materials for sale or as preventing the free and  
 544 unrestricted shipment of [~~fertilizer or soil amendments~~] plant food to manufacturers or  
 545 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**  
 548 **and federal agencies authorized.**

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

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

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

557 [~~(3) The department may use the following terms in rule made in accordance with Title~~  
 558 ~~63G, Chapter 3, Utah Administrative Rulemaking Act, to the extent that the department~~  
 559 ~~is authorized to make rules by a provision other than this Subsection (3):]~~

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

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

562 [~~(e) plant amendment;~~]

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

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

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

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

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

- 569 (a) the soil and water resources of this state constitute one of the state's basic assets; and  
 570 (b) the preservation of soil and water resources requires planning and programs to  
 571 ensure:
- 572 (i) the development and use of soil and water resources; and  
 573 (ii) soil and water resources' protection from the adverse effects of wind and water  
 574 erosion, sediment, and sediment related pollutants.
- 575 (2) The Legislature finds that local production of food is essential for:
- 576 (a) the security of the state's food supply; and  
 577 (b) the self-sufficiency of the state's citizens.
- 578 (3) The Legislature finds that sustainable agriculture is critical to:
- 579 (a) the success of rural communities;  
 580 (b) the historical culture of the state;  
 581 (c) maintaining healthy farmland;  
 582 (d) maintaining high water quality;  
 583 (e) maintaining abundant wildlife;  
 584 (f) high-quality recreation for citizens of the state; and  
 585 (g) helping to stabilize the state economy.
- 586 (4) The Legislature finds that livestock grazing on public lands is important for the proper  
 587 management, maintenance, and health of public lands in the state.
- 588 (5) The Legislature encourages each agricultural producer in the state to operate in a  
 589 reasonable and responsible manner to maintain the integrity of soil, water, and air.
- 590 [~~(6) The department shall administer the Utah Agriculture Certificate of Environmental  
 591 Stewardship Program, created in Section 4-18-107, to encourage each agricultural  
 592 producer in this state to operate in a reasonable and responsible manner to maintain the  
 593 integrity of the state's resources.]~~
- 594 [(7)] (6) The Legislature finds that soil health is essential to protecting the state's soil and  
 595 water resources, bolstering the state's food supply, and sustaining the state's agricultural  
 596 industry.
- 597 Section 17. Section **4-18-103** is amended to read:
- 598 **4-18-103 . Definitions.**
- 599 As used in this chapter:
- 600 (1)(a) "Agricultural discharge" means the release of agriculture water from the property  
 601 of a farm, ranch, or feedlot that:
- 602 (i) pollutes a surface body of water, including a stream, lake, pond, marshland,

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

637 other qualified planner, that is approved by the commission to certify an agricultural  
 638 operation under the Utah Agriculture Certificate of Environmental Stewardship  
 639 Program, created in Section 4-18-107.]

640 [(9)] (7) "Commission" means the Conservation Commission created in Section 4-18-104.

641 [(10)] (8) "Comprehensive nutrient management plan" or "nutrient management plan"  
 642 means a plan to properly store, handle, and spread manure and other agricultural  
 643 byproducts to:

644 (a) protect the environment; and

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

646 [(11)] (9) "Coordinated resource management plan" means a plan of action created at a local  
 647 level with broad participation of land owners, natural resource agencies, and interested  
 648 stakeholders to protect or enhance the environment, human health, humane treatment of  
 649 animals, and financial viability in the community.

650 [(12)] (10) "District" or "conservation district" has the same meaning as "conservation  
 651 district" as defined in Section 17D-3-102.

652 [(13)] (11) "Fodder" means food for livestock.

653 [(14)] (12) "Hydroponic" means a technique for growing plants without soil.

654 [(15)] (13) "Pollution" means a harmful human-made or human-induced alteration to the  
 655 water of the state, including an alteration to the chemical, physical, biological, or  
 656 radiological integrity of water that harms the water of the state.

657 [(16)] (14) "State technical standards" means a collection of best management practices that  
 658 will protect the environment in a reasonable and economical manner for each sector of  
 659 agriculture as required by this chapter.

660 [(17)] (15) "Sustainable agriculture" means agriculture production and practices that  
 661 promote:

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

664 (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**  
 667 **money -- Advisory board.**

668 (1) As used in this section:

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

- 671 (i) the president of the United States declaring an emergency or major disaster in the  
672 state;
- 673 (ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2,  
674 Disaster Response and Recovery Act; or
- 675 (iii) the chief executive officer of a local government declaring a local emergency  
676 under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.
- 677 (b) "Fund" means the Agriculture Resource Development Fund created in this section.
- 678 (c) "Local government" means the same as that term is defined in Section 53-2a-602.
- 679 (2) There is created a revolving loan fund known as the "Agriculture Resource  
680 Development Fund."
- 681 (3) The fund shall consist of:
- 682 (a) money appropriated to the fund by the Legislature;
- 683 ~~[(b) sales and use tax receipts transferred to the fund in accordance with Section~~  
684 ~~59-12-103;]~~
- 685 ~~[(e)] (b)~~ money received for the repayment of loans made from the fund;
- 686 ~~[(d)] (c)~~ money from a preferential user to reimburse the commission for loans made  
687 from the fund in accordance with Title 73, Chapter 3d, Part 4, Compensation;
- 688 ~~[(e)] (d)~~ money made available to the state for agriculture resource development or for a  
689 temporary water shortage emergency, as defined in Section 73-3d-101, from any  
690 source; and
- 691 ~~[(f)] (e)~~ interest earned on the fund.
- 692 (4) The commission may make loans from the fund for:
- 693 (a) a rangeland improvement and management project;
- 694 (b) a watershed protection or flood prevention project;
- 695 (c) a soil and water conservation project;
- 696 (d) a program designed to promote energy efficient farming practices;
- 697 (e) an improvement program for agriculture product storage or program designed to  
698 protect a crop or animal resource;
- 699 (f) a hydroponic or aquaponic system, including a hydroponic fodder production system;
- 700 (g) a project or program to improve water quality;
- 701 (h) a project to address other environmental issues;
- 702 (i) subject to Subsection (5), a disaster relief program designed to aid the sustainability  
703 of agriculture during and immediately following a disaster; or
- 704 (j) subject to Subsection (6), authorized for temporary water shortage emergencies as

705 provided in Title 73, Chapter 3d, Part 4, Compensation.

706 (5)(a) Loans made through a disaster relief program described in Subsection (4)(i) may  
707 not comprise more than 10% of the funds appropriated by the Legislature to the fund.

708 (b) Notwithstanding Subsection (5)(a), the department may use the money appropriated  
709 to the fund by the Legislature or another source, without limitation, if the money is  
710 appropriated specifically for use in a disaster relief program.

711 (c)(i) Until December 31, 2024, the department is authorized to borrow up to  
712 \$3,000,000 of General Fund appropriations from the Agricultural Water  
713 Optimization Account created in Section 73-10g-204 to be used in making loans  
714 through a disaster relief program described in Subsection (4)(i).

715 (ii) If the department borrows from the Agricultural Water Optimization Account  
716 under Subsection (5)(c)(i), the department shall deposit the repayment of principal  
717 and interest on loans made through a disaster relief program, regardless of the  
718 source of the funds used to make those loans, into the Agricultural Water  
719 Optimization Account, with preference over the repayment of any other source of  
720 funds, until the Agricultural Water Optimization Account is repaid in full.

721 (6) The commission may not have at one time an aggregate amount of loans made under  
722 Subsection (4)(j) that exceeds \$5,000,000.

723 (7) The commission may appoint an advisory board to:

724 (a) oversee the award process for loans, as described in this section;

725 (b) approve loans; and

726 (c) recommend policies and procedures for the fund that are consistent with statute.

727 (8) The department shall obtain an approved annual budget from the commission to use  
728 money from the fund to pay for the costs of administering the fund and loans made from  
729 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**  
732 **board -- Collection methods.**

733 (1) To assist the department in meeting the annual expense of administering this chapter, the  
734 following annual predator control fees are imposed upon animals owned by persons whose  
735 interests this chapter is designed to protect: Sheep and goats (except on farm dairy

736 goats or feeder lambs)..... 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  
 743 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  
 745 ownership or slaughter.
- 746 (b) The fee shall be collected by the local brand inspector at the time of the inspection of  
 747 cattle, or withheld and paid by the market from proceeds derived from the sale of the  
 748 cattle.
- 749 (c) Cattle that are fee brand inspected prior to confinement to a feedlot are not subject to  
 750 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  
 753 wool from proceeds derived from the sale of the fleece.
- 754 (ii) The department shall enter into cooperative agreements with in-state and  
 755 out-of-state wool warehouses and wool processing facilities for the collection of  
 756 predator control fees on the fleece of sheep that graze on private or public range in  
 757 the state.
- 758 (c) The fee shall be based on the number of pounds of wool divided by 10 pounds for  
 759 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  
 762 or private range in the state [~~which~~] that is not otherwise subject to the fee under  
 763 Subsection (3) or (4).
- 764 (b) By [~~January 1~~] September 1, the commissioner shall mail to each owner of livestock  
 765 specified in Subsection (6)(a) a reporting form requiring sufficient information on the  
 766 type and number of livestock grazed in the state and indicating the fee imposed for  
 767 each category of livestock.
- 768 (c) [~~Each~~] An owner shall file the completed form and the appropriate fee with the  
 769 commissioner before [~~April 1~~] December 31.
- 770 (d) If any person who receives the reporting form fails to return the completed form and  
 771 the imposed fee as required, the commissioner is authorized to commence suit  
 772 through the office of the attorney general, in a court [~~of competent~~] with jurisdiction,

773 to collect the imposed fee, the amount of which shall be as determined by the  
774 commissioner.

775 (7) ~~[All fees]~~ A fee collected under this section shall be remitted to the department and  
776 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.**

779 (1)~~[(a) Application for a recorded brand shall be made]~~ A person shall submit an  
780 application for a recorded brand to the department upon forms prescribed and  
781 furnished by the department.

782 ~~[(b)]~~ (a) The application shall contain the following information:

783 (i) the name of each applicant;

784 (ii) a single designated address where the department will send a notice of brand  
785 renewal; and

786 (iii) a description of the brand that is the subject of the application.

787 ~~[(e)]~~ (b) ~~[An]~~ The department may not approve an application ~~[may not be approved]~~  
788 without payment of the appropriate recording fee.

789 ~~[(d)]~~ (c) Upon receipt of a proper application, payment of the recording fee, and  
790 recordation of the brand in the central Brand Registry of the department, the  
791 commissioner shall issue the applicant a certified copy of recording that entitles the  
792 applicant to the exclusive use of the brand recorded.

793 (2)(a) A recorded brand filed with the central Brand Registry expires during the calendar  
794 year 1980, and during each fifth or tenth year thereafter. The applicant at the time of  
795 application shall decide whether the brand filed with the central Brand Registry  
796 expires during the fifth or the tenth year.

797 (b)(i) The department shall send notice in writing to the address designated under  
798 Subsection (1)(b)(ii) within a reasonable time before the date of expiration of  
799 recordation.

800 (ii) The notice required by this Subsection (2)(b) may be provided by email or regular  
801 mail at the department's discretion.

802 (iii) The holder of a registered brand has an affirmative duty to inform the department  
803 of a change to the contact information provided on the initial application for a  
804 recorded brand.

805 (c) Brand renewal is affected by filing an appropriate application with the department  
806 together with payment of the renewal fee.



807 (d) A recorded brand, not timely renewed, shall lapse and be removed from the central  
808 Brand Registry.

809 Section 21. Section **4-30-105** is amended to read:

810 **4-30-105 . License required -- Application -- Fee -- Expiration -- Renewal.**

811 (1)(a) [~~No person may~~] A person may not operate a livestock market in this state without  
812 a license issued by the department.

813 (b) [~~Application for a license shall be made-~~] A person shall submit an application for a  
814 license to the department upon forms prescribed and furnished by the department,  
815 and the application shall specify:

816 (i) if the applicant is an individual, the name, address, and [~~date of birth~~] age of the  
817 applicant; or

818 (ii) if the applicant is a partnership, corporation, or association, the name, address,  
819 and [~~date of birth~~] age of each person who has a financial interest in the applicant  
820 and the amount of each person's interest;

821 (iii) a certified statement of the financial assets and liabilities of the applicant  
822 detailing:

823 (A) current assets;

824 (B) current liabilities;

825 (C) long-term assets; and

826 (D) long-term liabilities;

827 (iv) a legal description of the property where the market is proposed to be located, the  
828 property's street address, and a description of the facilities proposed to be used in  
829 connection with the property;

830 (v) a schedule of the charges or fees the applicant proposes to charge for each service  
831 rendered; and

832 (vi) a detailed statement of the trade area proposed to be served by the applicant, the  
833 potential benefits which will be derived by the livestock industry, and the specific  
834 services the applicant intends to render at the livestock market.

835 (2)(a) Upon receipt of a proper application, payment of a license fee in an amount  
836 determined by the department pursuant to Subsection 4-2-103(2), the commissioner,  
837 if satisfied that the convenience and necessity of the industry and the public will be  
838 served, shall issue a license allowing the applicant to operate the livestock market  
839 proposed in the application valid through December 31 of the year in which the  
840 license is issued, subject to suspension or revocation for cause.

841 (b) A livestock market license is annually renewable on or before December 31 of each  
842 year upon the payment of an annual license renewal fee in an amount determined by  
843 the department pursuant to Subsection 4-2-103(2).

844 (3) ~~[No]~~ The department may not issue a livestock market original or renewal license [may  
845 be issued] until the applicant has provided the department with a certified copy of a  
846 surety bond filed with the United States Department of Agriculture as required by the  
847 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.**

850 (1) A person may not operate a domesticated elk facility without first obtaining a license  
851 from the department.

852 (2)(a) ~~[Each]~~ An application for a license to operate a domesticated elk facility shall be  
853 accompanied by a fee.

854 (b) The fee shall be established by the department in accordance with Section 63J-1-504.

855 (3) ~~[Each]~~ An applicant for a domesticated elk facility license shall submit an application  
856 providing all information in the form and manner as required by the department.

857 (4)(a) ~~[No license shall be issued until the department has inspected and approved]~~ The  
858 department may not issue a license until the department inspects and approves the  
859 facility.

860 (b) The department shall:

861 (i) notify the Division of Wildlife Resources at least 48 hours ~~[prior to]~~ before a  
862 scheduled inspection so that a Division of Wildlife Resources representative may  
863 be present at the inspection; and

864 (ii) provide the Division of Wildlife Resources with copies of all licensing and  
865 inspection reports.

866 (5) Each separate location of the domesticated elk operation shall be licensed separately.

867 (6)(a) If a domesticated elk facility is operated under more than one business name from  
868 a single location, the name of each operation shall be listed with the department in  
869 the form and manner required by the department.

870 (b) The department shall require that a separate fee be paid for each business name listed.

871 (c) If a domesticated elk facility operates under more than one business name from a  
872 single location, each facility shall maintain separate records.

873 (7) ~~[Each person or business entity]~~ A person with an equity interest in the domesticated elk  
874 shall be listed on the application for license.

- 875 (8) ~~[Each]~~ A domesticated elk facility license shall expire on ~~[July 1]~~ June 30 in the year  
 876 following the year of issuance.
- 877 (9) ~~[Each]~~ A licensee shall report to the department, in the form and manner required by the  
 878 department, any change in the information provided in the licensee's application or in the  
 879 reports previously submitted, within 15 days of each change.
- 880 (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.**

- 883 (1) To renew a license, the licensee shall submit to the department the following:
- 884 (a) renewal fee;
- 885 (b) paperwork showing that the:
- 886 (i) domesticated elk, on the domesticated elk facility, have been inspected and  
 887 certified by the department for health~~;~~ and proof of ownership~~[-and genetic~~  
 888 ~~purity certification]~~ for all elk imported into the state; and
- 889 (ii) facility has been properly maintained, as provided in this chapter, during the  
 890 immediately preceding 60-day period; and
- 891 (c) record of each purchase of domesticated elk and transfer of domesticated elk into the  
 892 facility, which shall include the following information:
- 893 (i) name~~;~~ and address~~[-and health approval number]~~ of the source;
- 894 (ii) date of transaction; and
- 895 (iii) number and sex.

896 (2)(a) If the renewal fee and paperwork are not received on or before April 30, the  
 897 department shall charge a late fee~~[-will be charged]~~.

898 (b) A license may not be renewed until the renewal fee and any late fee is paid.

899 (3) If the application and fee for renewal are not received on or before ~~[July 1]~~ June 30, the  
 900 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.**

- 903 (1) The following records and information shall be maintained by a domesticated elk  
 904 facility for the life of the animal plus ~~[two]~~ five years:
- 905 (a) records of purchase, acquisition, distribution, and production histories of  
 906 domesticated elk;
- 907 (b) records documenting antler harvesting, production, and distribution; and
- 908 (c) health certificates.

909 (2) For purposes of carrying out ~~[the provisions of]~~ this chapter and rules made under this  
 910 chapter, at any reasonable time during regular business hours, the department shall have  
 911 free and unimpeded access to inspect all records required to be kept.

912 (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.**

915 The department shall require[:]

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

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

918 ~~[(b) be registered with gold or silver status with the North American Elk Breeders~~

919 ~~Association; or]~~

920 ~~[(c) come from a state which has a red deer genetic factor prevention program approved~~

921 ~~by the department; and]~~

922 ~~[(2)]~~ proof that the domesticated elk originates from a legal source as provided in Section

923 4-39-302.

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

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

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

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

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

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

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

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

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

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

935 (i) tuberculosis free; or

936 (ii) enrolled in a tuberculosis herd monitoring accreditation program administered by

937 the United State Department of Agriculture or the Canadian Food Inspection

938 Agency;

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

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

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

942 ~~[(h)]~~ (g) for an elk imported from east of the 100 degree meridian, proof that the elk has

- 943           been dewormed in accordance with Subsection (3)(a); and  
 944           ~~[(+)]~~ (h) any other information required by the state veterinarian's office or the department.
- 945 (3) In addition to the requirements described in Subsections (1) and (2), a person importing  
 946 a domesticated elk from east of the 100 degree meridian shall:  
 947 (a) deworm the elk within 60 days before arrival in the state;  
 948 (b) deworm or harvest the elk no later than 150 days after arrival in the state;  
 949 (c) for a bull sent to an elk ranch:  
 950           (i) hold the bull for harvest until the bull has completed a slaughter withdrawal  
 951           period; or  
 952           (ii) be able to demonstrate that the elk is free from dewormer residue; and  
 953 (d) make the elk available to the department for monitoring and inspection upon request  
 954 by the department.
- 955 (4) The department may stop the importation of a domesticated elk or quarantine a  
 956 domesticated elk if the department identifies the spread of meningeal worm in the elk or  
 957 the elk's domesticated herd.
- 958 (5) A person who imports domesticated elk into the state from an international herd:  
 959 (a) may only import domesticated elk:  
 960           (i) that are male; and  
 961           (ii) to an elk ranch for use in the elk ranch; and  
 962 (b) shall ensure that the domesticated elk are harvested in the same season in which the  
 963 domesticated elk enter the state.
- 964 (6) For the purpose of enforcing Subsection (5), the department may make rules, in  
 965 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for the use  
 966 of radio frequency identification tags to track male elk imported into the state from an  
 967 international herd.

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

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

- 970 ~~[(+)]~~ Each A domesticated elk shall be marked by ~~[either an official USDA tag or by]~~ an  
 971 electronic identification tag ~~[, as provided in Subsection (2):]~~ and unique visual tag  
 972 pursuant to rules made by the department in accordance with Title 63G, Chapter 3, Utah  
 973 Administrative Rulemaking Act.
- 974 ~~[(a) within 30 days of a change of ownership; or]~~  
 975 ~~[(b) in the case of newborn calves, within 15 days after being weaned, but in any case,~~  
 976 ~~no later than January 31.]~~

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

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

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

- 981 (1) A person applying for a cannabis production establishment license or license renewal  
982 shall submit to the department for the department's review a proposed operating plan  
983 that complies with this section and that includes:
- 984 (a) a description of the physical characteristics of the proposed facility or, for a cannabis  
985 cultivation facility, no more than two facility locations, including a floor plan and an  
986 architectural elevation;
  - 987 (b) a description of the credentials and experience of:
    - 988 (i) each officer, director, and owner of the proposed cannabis production  
989 establishment; and
    - 990 (ii) any highly skilled or experienced prospective employee;
  - 991 (c) the cannabis production establishment's employee training standards;
  - 992 (d) a security plan;
  - 993 (e) a description of the cannabis production establishment's inventory control system,  
994 including a description of how the inventory control system is compatible with the  
995 state electronic verification system described in Section 26B-4-202;
  - 996 (f) storage protocols, both short- and long-term, to ensure that cannabis is stored in a  
997 manner that is sanitary and preserves the integrity of the cannabis;
  - 998 (g) for a cannabis cultivation facility, the information described in Subsection (2);
  - 999 (h) for a cannabis processing facility, the information described in Subsection (3); and
  - 1000 (i) for an independent cannabis testing laboratory, the information described in  
1001 Subsection (4).
- 1002 (2)(a) A cannabis cultivation facility shall ensure that the facility's operating plan  
1003 includes the facility's intended:
- 1004 (i) cannabis cultivation practices, including the facility's intended pesticide use and [  
1005 ~~fertilizer~~] plant food use; and
  - 1006 (ii) subject to Subsection (2)(b), acreage or square footage under cultivation and  
1007 anticipated cannabis yield.
- 1008 (b) Except as provided in Subsection (2)(c)(i) or (c)(ii), a cannabis cultivation facility  
1009 may not:
- 1010 (i) for a facility that cultivates cannabis only indoors, use more than 100,000 total

- 1011 square feet of cultivation space;
- 1012 (ii) for a facility that cultivates cannabis only outdoors, use more than four acres for  
1013 cultivation; and
- 1014 (iii) for a facility that cultivates cannabis through a combination of indoor and  
1015 outdoor cultivation, use more combined indoor square footage and outdoor  
1016 acreage than allowed under the department's formula described in Subsection  
1017 (2)(e).
- 1018 (c)(i) Each licensee may apply to the department for:
- 1019 (A) a one-time, permanent increase of up to 20% of the limitation on the cannabis  
1020 cultivation facility's cultivation space; or
- 1021 (B) a short-term increase, not to exceed 12 months, of up to 40% of the limitation  
1022 on the cannabis cultivation facility's cultivation space.
- 1023 (ii) After conducting a review equivalent to the review described in Subsection  
1024 4-41a-205(2)(a), if the department determines that additional cultivation is  
1025 needed, the department may:
- 1026 (A) grant the one-time, permanent increase described in Subsection (2)(c)(i)(A); or  
1027 (B) grant the short-term increase described in Subsection (2)(c)(i)(B).
- 1028 (d) If a licensee describes an intended acreage or square footage under cultivation under  
1029 Subsection (2)(a)(ii) that is less than the limitation described in Subsection (2)(b), the  
1030 licensee may not cultivate more than the licensee's identified intended acreage or  
1031 square footage under cultivation.
- 1032 (e) The department shall, in accordance with Title 63G, Chapter 3, Utah Administrative  
1033 Rulemaking Act, establish a formula for combined usage of indoor and outdoor  
1034 cultivation that:
- 1035 (i) does not exceed, in estimated cultivation yield, the aggregate limitations described  
1036 in Subsection (2)(b)(i) or (ii); and
- 1037 (ii) allows a cannabis cultivation facility to operate both indoors and outdoors.
- 1038 (f)(i) The department may authorize a cannabis cultivation facility to operate at no  
1039 more than two separate locations.
- 1040 (ii) If the department authorizes multiple locations under Subsection (2)(f)(i), the two  
1041 cannabis cultivation facility locations combined may not exceed the cultivation  
1042 limitations described in this Subsection (2).
- 1043 (3) A cannabis processing facility's operating plan shall include the facility's intended  
1044 cannabis processing practices, including the cannabis processing facility's intended:

- 1045 (a) offered variety of cannabis product;
- 1046 (b) cannabinoid extraction method;
- 1047 (c) cannabinoid extraction equipment;
- 1048 (d) processing equipment;
- 1049 (e) processing techniques; and
- 1050 (f) sanitation and manufacturing safety procedures for items for human consumption.
- 1051 (4) An independent cannabis testing laboratory's operating plan shall include the
- 1052 laboratory's intended:
- 1053 (a) cannabis and cannabis product testing capability;
- 1054 (b) cannabis and cannabis product testing equipment; and
- 1055 (c) testing methods, standards, practices, and procedures for testing cannabis and
- 1056 cannabis products.
- 1057 (5) Notwithstanding an applicant's proposed operating plan, a cannabis production
- 1058 establishment is subject to land use regulations, as defined in Sections 10-9a-103 and
- 1059 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.**
- 1062 (1) Subject to Subsection (2), the board shall administer the LeRay McAllister Working
- 1063 Farm and Ranch Fund Program under which the board may authorize the use of money
- 1064 in the fund, by grant, to:
- 1065 (a) a local entity;
- 1066 (b) the Department of Natural Resources created under Section 79-2-201;
- 1067 (c) an entity within the department; or
- 1068 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),
- 1069 Internal Revenue Code.
- 1070 (2)(a) The money in the fund shall be used for preserving or restoring open land and
- 1071 agricultural land.
- 1072 (b) Except as provided in Subsection (2)(c), money from the fund:
- 1073 (i) may be used to:
- 1074 (A) establish a conservation easement under Title 57, Chapter 18, Land
- 1075 Conservation Easement Act; or
- 1076 (B) fund similar methods to preserve open land or agricultural land; and
- 1077 (ii) may not be used to purchase a fee interest in real property to preserve open land
- 1078 or agricultural land.



- 1079 (c) Money from the fund may be used to purchase a fee interest in real property to  
1080 preserve open land or agricultural land if:
- 1081 (i) the property to be purchased is no more than 20 acres in size; and  
1082 (ii) with respect to a parcel purchased in a county in which over 50% of the land area  
1083 is publicly owned, real property roughly equivalent in size and located within that  
1084 county is contemporaneously transferred to private ownership from the  
1085 governmental entity that purchased the fee interest in real property.
- 1086 (d) Eminent domain may not be used or threatened in connection with any purchase  
1087 using money from the fund.
- 1088 (e) A parcel of land larger than 20 acres in size may not be divided to create one or more  
1089 parcels that are smaller than 20 acres in order to comply with Subsection (2)(c)(i).
- 1090 (f) A local entity, department, or organization under Subsection (1) may not receive  
1091 money from the fund unless the local entity, department, or organization provides  
1092 matching funds equal to or greater than the amount of money received from the fund.
- 1093 (g) In granting money from the fund, the board may impose conditions on the recipient  
1094 as to how the money is to be spent.
- 1095 (h) The board shall give priority to:
- 1096 (i) working agricultural land; and  
1097 (ii) after giving priority to working agricultural land under Subsection (2)(h)(i),  
1098 requests from the Department of Natural Resources for up to 20% of each annual  
1099 increase in the amount of money in the fund if the money is used for the  
1100 protection of wildlife or watershed.
- 1101 (i)(i) The board may not make a grant from the fund that exceeds \$1,000,000 until  
1102 after making a report to the Legislative Management Committee about the grant.
- 1103 (ii) The Legislative Management Committee may make a recommendation to the  
1104 board concerning the intended grant, but the recommendation is not binding on  
1105 the board.
- 1106 (3) In determining the amount and type of financial assistance to provide a local entity,  
1107 department, or organization under Subsection (1) and subject to Subsection (2)(i), the  
1108 board shall consider:
- 1109 (a) the nature and amount of open land and agricultural land proposed to be preserved or  
1110 restored;
- 1111 (b) the qualities of the open land and agricultural land proposed to be preserved or  
1112 restored;

- 1113 (c) the cost effectiveness of the project to preserve or restore open land or agricultural  
1114 land;
- 1115 (d) the funds available;
- 1116 (e) the number of actual and potential applications for financial assistance and the  
1117 amount of money sought by those applications;
- 1118 (f) the open land preservation plan of the local entity where the project is located and the  
1119 priority placed on the project by that local entity;
- 1120 (g) the effects on housing affordability and diversity; and
- 1121 (h) whether the project protects against the loss of private property ownership.
- 1122 (4) If a local entity, department, or organization under Subsection (1) seeks money from the  
1123 fund for a project whose purpose is to protect critical watershed, the board shall require  
1124 that the needs and quality of that project be verified by the state engineer.
- 1125 (5) An interest in real property purchased with money from the fund shall be held and  
1126 administered by the state or a local entity.
- 1127 (6)(a) The board may not authorize the use of money under this section for a project  
1128 unless the land use authority for the land in which the project is located consents to  
1129 the project.
- 1130 (b) To obtain consent to a project, the person who is seeking money from the fund shall  
1131 submit a request for consent to a project with the applicable land use authority. The  
1132 land use authority may grant or deny consent. If the land use authority does not take  
1133 action within 60 days from the day on which the request for consent is filed with the  
1134 land use authority under this Subsection (6), the board shall treat the project as  
1135 having the consent of the land use authority.
- 1136 (c) An action of a land use authority under this Subsection (6) is not a land use decision  
1137 subject to:
- 1138 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or  
1139 (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.**
- 1142 (1) There is created [~~within the General Fund a restricted account~~] an expendable special  
1143 revenue fund known as the Agriculture Conservation Easement Account.
- 1144 (2) The Agriculture Conservation Easement Account consists of:
- 1145 (a) conservation easement stewardship fees;
- 1146 (b) grants from private foundations;

- 1147 (c) grants from local governments, the state, or the federal government;
- 1148 (d) grants from the Land Conservation Board created under Section 4-46-201;
- 1149 (e) donations from landowners for monitoring and enforcing compliance with
- 1150 conservation easements;
- 1151 (f) donations from any other person; and
- 1152 (g) interest on account money.
- 1153 (3) ~~[Upon appropriation by the Legislature, the]~~ The department shall use money from the
- 1154 account to monitor and enforce compliance with conservation easements held by the
- 1155 department.
- 1156 (4) The department may not receive or expend donations from the account to acquire
- 1157 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**
- 1160 **materials -- Selection of service provider.**
- 1161 (1) As used in this chapter, "hazardous materials" means the same as that term is defined in
- 1162 Section 19-6-902.
- 1163 (2) A municipal legislative body may:
- 1164 (a) designate and regulate the abatement of:
- 1165 (i) the growth and spread of injurious and noxious weeds;
- 1166 (ii) garbage and refuse;
- 1167 (iii) a public nuisance;
- 1168 (iv) an illegal object or structure; or
- 1169 (v) for a structure or any real property closed to occupancy or entry by a local health
- 1170 department, hazardous materials; and
- 1171 (b) appoint a municipal inspector for the purpose of carrying out and in accordance with
- 1172 the provisions of this chapter.
- 1173 (3) A municipal legislative body may not:
- 1174 (a) prohibit an owner or occupant of real property within the municipality's jurisdiction,
- 1175 including an owner or occupant who receives a notice in accordance with Section
- 1176 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an
- 1177 abatement service for injurious and noxious weeds, garbage and refuse, a public
- 1178 nuisance, or an illegal object or structure; or
- 1179 (b) require that an owner or occupant described in Subsection (3)(a) use the services of
- 1180 the municipal inspector or any assistance employed by the municipal inspector

1181 described in Section 10-11-3 to provide an abatement service described in Subsection  
1182 (3)(a).

1183 (4) A municipality may require that an owner or occupant described in Subsection (3)(a)  
1184 use the abatement services, as described in Section 10-11-3, of the municipal inspector,  
1185 including the use of a certified decontamination specialist as described in Section  
1186 19-6-906, or any assistance employed by the municipal inspector if:

1187 (a) the municipality adopts an ordinance providing a reasonable period of time of at least  
1188 10 days for an owner or occupant to abate the owner's or occupant's property after  
1189 receiving a notice described in Section 10-11-2; and

1190 (b) the owner or occupant fails to abate the property within the reasonable period of time  
1191 and in accordance with the notice.

1192 (5) A municipality may require that an owner or occupant use the abatement services of a  
1193 certified decontamination specialist to abate hazardous materials.

1194 (6) Nothing in this chapter may be construed:

1195 (a) as authorizing a municipality to regulate items that are within the exclusive  
1196 jurisdiction of the Department of Agriculture and Food as provided in Section 4-2-305,  
1197 including commercial feed, [fertilizer] plant food, pesticides, and seeds; or

1198 (b) as limiting or abrogating the authority of a local health department under Section  
1199 19-6-905.

1200 Section 32. Section **11-46b-101** is enacted to read:

1201 **CHAPTER 46b. REGULATION OF LIVESTOCK**

1202 **11-46b-101 . Definitions.**

1203 As used in this chapter:

1204 (1) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, or domesticated  
1205 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  
1209 county.

1210 Section 33. Section **11-46b-102** is enacted to read:

1211 **11-46b-102 . Actions allowed regarding livestock.**

1212 (1) If an ordinance, resolution, or policy of a political subdivision permits a person to own  
1213 livestock within the political subdivision's boundaries, the political subdivision shall, in  
1214 accordance with this chapter, permit the person to trade, sell, or otherwise transfer the

1215 livestock up to the number of livestock the person is permitted to own by the political  
 1216 subdivision.

1217 (2) A political subdivision may require a business license for a person described in  
 1218 Subsection (1) to trade, sell, or otherwise transfer livestock, except that the political  
 1219 subdivision may not deny the issuance of a business license based in whole or in part on  
 1220 the fact that the person owns livestock or is trading, selling, or otherwise transferring the  
 1221 livestock.

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**  
 1224 **use tax revenue.**

1225 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales  
 1226 price for amounts paid or charged for the following transactions:

1227 (a) retail sales of tangible personal property made within the state;

1228 (b) amounts paid for:

1229 (i) telecommunications service, other than mobile telecommunications service, that  
 1230 originates and terminates within the boundaries of this state;

1231 (ii) mobile telecommunications service that originates and terminates within the  
 1232 boundaries of one state only to the extent permitted by the Mobile  
 1233 Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1234 (iii) an ancillary service associated with a:

1235 (A) telecommunications service described in Subsection (1)(b)(i); or

1236 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1237 (c) sales of the following for commercial use:

1238 (i) gas;

1239 (ii) electricity;

1240 (iii) heat;

1241 (iv) coal;

1242 (v) fuel oil; or

1243 (vi) other fuels;

1244 (d) sales of the following for residential use:

1245 (i) gas;

1246 (ii) electricity;

1247 (iii) heat;

1248 (iv) coal;

- 1249 (v) fuel oil; or  
1250 (vi) other fuels;
- 1251 (e) sales of prepared food;
- 1252 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or  
1253 user fees for theaters, movies, operas, museums, planetariums, shows of any type or  
1254 nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses,  
1255 menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling  
1256 matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling  
1257 lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts,  
1258 ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides,  
1259 river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or  
1260 any other amusement, entertainment, recreation, exhibition, cultural, or athletic  
1261 activity;
- 1262 (g) amounts paid or charged for services for repairs or renovations of tangible personal  
1263 property, unless Section 59-12-104 provides for an exemption from sales and use tax  
1264 for:
- 1265 (i) the tangible personal property; and  
1266 (ii) parts used in the repairs or renovations of the tangible personal property described  
1267 in Subsection (1)(g)(i), regardless of whether:
- 1268 (A) any parts are actually used in the repairs or renovations of that tangible  
1269 personal property; or  
1270 (B) the particular parts used in the repairs or renovations of that tangible personal  
1271 property are exempt from a tax under this chapter;
- 1272 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted  
1273 cleaning or washing of tangible personal property;
- 1274 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer  
1275 court accommodations and services;
- 1276 (j) amounts paid or charged for laundry or dry cleaning services;
- 1277 (k) amounts paid or charged for leases or rentals of tangible personal property if within  
1278 this state the tangible personal property is:
- 1279 (i) stored;  
1280 (ii) used; or  
1281 (iii) otherwise consumed;
- 1282 (l) amounts paid or charged for tangible personal property if within this state the tangible

- 1283 personal property is:
- 1284 (i) stored;
- 1285 (ii) used; or
- 1286 (iii) consumed;
- 1287 (m) amounts paid or charged for a sale:
- 1288 (i)(A) of a product transferred electronically; or
- 1289 (B) of a repair or renovation of a product transferred electronically; and
- 1290 (ii) regardless of whether the sale provides:
- 1291 (A) a right of permanent use of the product; or
- 1292 (B) a right to use the product that is less than a permanent use, including a right:
- 1293 (I) for a definite or specified length of time; and
- 1294 (II) that terminates upon the occurrence of a condition; and
- 1295 (n) sales of leased tangible personal property from the lessor to the lessee made in the
- 1296 state.
- 1297 (2)(a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are
- 1298 imposed on a transaction described in Subsection (1) equal to the sum of:
- 1299 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
- 1300 (A) 4.70% plus the rate specified in Subsection (11)(a); and
- 1301 (B)(I) the tax rate the state imposes in accordance with Part 18, Additional
- 1302 State Sales and Use Tax Act, if the location of the transaction as determined
- 1303 under Sections 59-12-211 through 59-12-215 is in a county in which the
- 1304 state imposes the tax under Part 18, Additional State Sales and Use Tax Act;
- 1305 and
- 1306 (II) the tax rate the state imposes in accordance with Part 20, Supplemental
- 1307 State Sales and Use Tax Act, if the location of the transaction as determined
- 1308 under Sections 59-12-211 through 59-12-215 is in a city, town, or the
- 1309 unincorporated area of a county in which the state imposes the tax under
- 1310 Part 20, Supplemental State Sales and Use Tax Act; and
- 1311 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
- 1312 transaction under this chapter other than this part.
- 1313 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state
- 1314 tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal
- 1315 to the sum of:
- 1316 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1317 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1318 transaction under this chapter other than this part.

1319 (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed  
1320 on amounts paid or charged for food and food ingredients equal to the sum of:

1321 (i) a state tax imposed on the amounts paid or charged for food and food ingredients  
1322 at a tax rate of 1.75%; and

1323 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1324 amounts paid or charged for food and food ingredients under this chapter other  
1325 than this part.

1326 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid  
1327 or charged for fuel to a common carrier that is a railroad for use in a locomotive  
1328 engine at a rate of 4.85%.

1329 (e)(i)(A) If a shared vehicle owner certifies to the commission, on a form  
1330 prescribed by the commission, that the shared vehicle is an individual-owned  
1331 shared vehicle, a tax imposed under Subsection (2)(a)(i)(A) does not apply to  
1332 car sharing, a car-sharing program, a shared vehicle driver, or a shared vehicle  
1333 owner.

1334 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is  
1335 required once during the time that the shared vehicle owner owns the shared  
1336 vehicle.

1337 (C) The commission shall verify that a shared vehicle is an individual-owned  
1338 shared vehicle by verifying that the applicable Utah taxes imposed under this  
1339 chapter were paid on the purchase of the shared vehicle.

1340 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified  
1341 individual-owned shared vehicle shared through a car-sharing program even if  
1342 non-certified shared vehicles are also available to be shared through the same  
1343 car-sharing program.

1344 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

1345 (iii)(A) A car-sharing program may rely in good faith on a shared vehicle owner's  
1346 representation that the shared vehicle is an individual-owned shared vehicle  
1347 certified with the commission as described in Subsection (2)(e)(i).

1348 (B) If a car-sharing program relies in good faith on a shared vehicle owner's  
1349 representation that the shared vehicle is an individual-owned shared vehicle  
1350 certified with the commission as described in Subsection (2)(e)(i), the



- 1351 car-sharing program is not liable for any tax, penalty, fee, or other sanction  
1352 imposed on the shared vehicle owner.
- 1353 (iv) If all shared vehicles shared through a car-sharing program are certified as  
1354 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has  
1355 no obligation to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax  
1356 period.
- 1357 (v) A car-sharing program is not required to list or otherwise identify an  
1358 individual-owned shared vehicle on a return or an attachment to a return.
- 1359 (vi) A car-sharing program shall:
- 1360 (A) retain tax information for each car-sharing program transaction; and  
1361 (B) provide the information described in Subsection (2)(e)(vi)(A) to the  
1362 commission at the commission's request.
- 1363 (f)(i) For a bundled transaction that is attributable to food and food ingredients and  
1364 tangible personal property other than food and food ingredients, a state tax and a  
1365 local tax is imposed on the entire bundled transaction equal to the sum of:
- 1366 (A) a state tax imposed on the entire bundled transaction equal to the sum of:
- 1367 (I) the tax rate described in Subsection (2)(a)(i)(A); and  
1368 (II)(Aa) the tax rate the state imposes in accordance with Part 18,  
1369 Additional State Sales and Use Tax Act, if the location of the transaction  
1370 as determined under Sections 59-12-211 through 59-12-215 is in a  
1371 county in which the state imposes the tax under Part 18, Additional State  
1372 Sales and Use Tax Act; and  
1373 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental  
1374 State Sales and Use Tax Act, if the location of the transaction as  
1375 determined under Sections 59-12-211 through 59-12-215 is in a city,  
1376 town, or the unincorporated area of a county in which the state imposes  
1377 the tax under Part 20, Supplemental State Sales and Use Tax Act; and  
1378 (B) a local tax imposed on the entire bundled transaction at the sum of the tax  
1379 rates described in Subsection (2)(a)(ii).
- 1380 (ii) If an optional computer software maintenance contract is a bundled transaction  
1381 that consists of taxable and nontaxable products that are not separately itemized  
1382 on an invoice or similar billing document, the purchase of the optional computer  
1383 software maintenance contract is 40% taxable under this chapter and 60%  
1384 nontaxable under this chapter.

- 1385 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled  
1386 transaction described in Subsection (2)(f)(i) or (ii):
- 1387 (A) if the sales price of the bundled transaction is attributable to tangible personal  
1388 property, a product, or a service that is subject to taxation under this chapter  
1389 and tangible personal property, a product, or service that is not subject to  
1390 taxation under this chapter, the entire bundled transaction is subject to taxation  
1391 under this chapter unless:
- 1392 (I) the seller is able to identify by reasonable and verifiable standards the  
1393 tangible personal property, product, or service that is not subject to taxation  
1394 under this chapter from the books and records the seller keeps in the seller's  
1395 regular course of business; or
- 1396 (II) state or federal law provides otherwise; or
- 1397 (B) if the sales price of a bundled transaction is attributable to two or more items  
1398 of tangible personal property, products, or services that are subject to taxation  
1399 under this chapter at different rates, the entire bundled transaction is subject to  
1400 taxation under this chapter at the higher tax rate unless:
- 1401 (I) the seller is able to identify by reasonable and verifiable standards the  
1402 tangible personal property, product, or service that is subject to taxation  
1403 under this chapter at the lower tax rate from the books and records the seller  
1404 keeps in the seller's regular course of business; or
- 1405 (II) state or federal law provides otherwise.
- 1406 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the  
1407 seller's regular course of business includes books and records the seller keeps in  
1408 the regular course of business for nontax purposes.
- 1409 (g)(i) Except as otherwise provided in this chapter and subject to Subsections  
1410 (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible  
1411 personal property, a product, or a service that is subject to taxation under this  
1412 chapter, and the sale, lease, or rental of tangible personal property, other property,  
1413 a product, or a service that is not subject to taxation under this chapter, the entire  
1414 transaction is subject to taxation under this chapter unless the seller, at the time of  
1415 the transaction:
- 1416 (A) separately states the portion of the transaction that is not subject to taxation  
1417 under this chapter on an invoice, bill of sale, or similar document provided to  
1418 the purchaser; or

- 1419 (B) is able to identify by reasonable and verifiable standards, from the books and  
1420 records the seller keeps in the seller's regular course of business, the portion of  
1421 the transaction that is not subject to taxation under this chapter.
- 1422 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 1423 (A) after the transaction occurs, the purchaser and the seller discover that the  
1424 portion of the transaction that is not subject to taxation under this chapter was  
1425 not separately stated on an invoice, bill of sale, or similar document provided  
1426 to the purchaser because of an error or ignorance of the law; and
- 1427 (B) the seller is able to identify by reasonable and verifiable standards, from the  
1428 books and records the seller keeps in the seller's regular course of business, the  
1429 portion of the transaction that is not subject to taxation under this chapter.
- 1430 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller  
1431 keeps in the seller's regular course of business includes books and records the  
1432 seller keeps in the regular course of business for nontax purposes.
- 1433 (h)(i) If the sales price of a transaction is attributable to two or more items of tangible  
1434 personal property, products, or services that are subject to taxation under this  
1435 chapter at different rates, the entire purchase is subject to taxation under this  
1436 chapter at the higher tax rate unless the seller, at the time of the transaction:
- 1437 (A) separately states the items subject to taxation under this chapter at each of the  
1438 different rates on an invoice, bill of sale, or similar document provided to the  
1439 purchaser; or
- 1440 (B) is able to identify by reasonable and verifiable standards the tangible personal  
1441 property, product, or service that is subject to taxation under this chapter at the  
1442 lower tax rate from the books and records the seller keeps in the seller's regular  
1443 course of business.
- 1444 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the  
1445 seller's regular course of business includes books and records the seller keeps in  
1446 the regular course of business for nontax purposes.
- 1447 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate  
1448 imposed under the following shall take effect on the first day of a calendar quarter:
- 1449 (i) Subsection (2)(a)(i)(A);
- 1450 (ii) Subsection (2)(b)(i);
- 1451 (iii) Subsection (2)(c)(i); or
- 1452 (iv) Subsection (2)(f)(i)(A)(I).

- 1453 (j)(i) A tax rate increase takes effect on the first day of the first billing period that  
1454 begins on or after the effective date of the tax rate increase if the billing period for  
1455 the transaction begins before the effective date of a tax rate increase imposed  
1456 under:
- 1457 (A) Subsection (2)(a)(i)(A);
  - 1458 (B) Subsection (2)(b)(i);
  - 1459 (C) Subsection (2)(c)(i); or
  - 1460 (D) Subsection (2)(f)(i)(A)(I).
- 1461 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing  
1462 statement for the billing period is rendered on or after the effective date of the  
1463 repeal of the tax or the tax rate decrease imposed under:
- 1464 (A) Subsection (2)(a)(i)(A);
  - 1465 (B) Subsection (2)(b)(i);
  - 1466 (C) Subsection (2)(c)(i); or
  - 1467 (D) Subsection (2)(f)(i)(A)(I).
- 1468 (k)(i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale  
1469 is computed on the basis of sales and use tax rates published in the catalogue, a  
1470 tax rate repeal or change in a tax rate takes effect:
- 1471 (A) on the first day of a calendar quarter; and
  - 1472 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate  
1473 change.
- 1474 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 1475 (A) Subsection (2)(a)(i)(A);
  - 1476 (B) Subsection (2)(b)(i);
  - 1477 (C) Subsection (2)(c)(i); or
  - 1478 (D) Subsection (2)(f)(i)(A)(I).
- 1479 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1480 the commission may by rule define the term "catalogue sale."
- 1481 (l)(i) For a location described in Subsection (2)(l)(ii), the commission shall determine  
1482 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel  
1483 based on the predominant use of the gas, electricity, heat, coal, fuel oil, or other  
1484 fuel at the location.
- 1485 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,  
1486 or other fuel is furnished through a single meter for two or more of the following

- 1487 uses:
- 1488 (A) a commercial use;
- 1489 (B) an industrial use; or
- 1490 (C) a residential use.
- 1491 (3)(a) The following state taxes shall be deposited into the General Fund:
- 1492 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1493 (ii) the tax imposed by Subsection (2)(b)(i);
- 1494 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1495 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1496 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1497 in this chapter:
- 1498 (i) the tax imposed by Subsection (2)(a)(ii);
- 1499 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1500 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 1501 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1502 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General Fund.
- 1503 (4)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1504 2003, the lesser of the following amounts shall be expended as provided in
- 1505 Subsections (4)(b) through (g):
- 1506 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1507 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1508 (B) for the fiscal year; or
- 1509 (ii) \$17,500,000.
- 1510 (b)(i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
- 1511 described in Subsection (4)(a) shall be transferred each year as designated sales
- 1512 and use tax revenue to the Division of Wildlife Resources to:
- 1513 (A) implement the measures described in Subsections 23A-3-214(3)(a) through
- 1514 (d) to protect sensitive plant and animal species; or
- 1515 (B) award grants, up to the amount authorized by the Legislature in an
- 1516 appropriations act, to political subdivisions of the state to implement the
- 1517 measures described in Subsections 23A-3-214(3)(a) through (d) to protect
- 1518 sensitive plant and animal species.
- 1519 (ii) Money transferred to the Division of Wildlife Resources under Subsection
- 1520 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or

- 1521 any other person to list or attempt to have listed a species as threatened or  
1522 endangered under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et  
1523 seq.
- 1524 (iii) At the end of each fiscal year:
- 1525 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to  
1526 the Water Resources Conservation and Development Fund created in Section  
1527 73-10-24;
- 1528 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1529 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1530 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1531 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1532 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1533 Subsection (4)(a) shall be ~~[deposited each year in the Agriculture Resource~~  
1534 ~~Development Fund created in Section 4-18-106]~~ transferred each year as designated  
1535 sales and use tax revenue to the Division of Conservation created in Section 4-46-401  
1536 to implement water related programs.
- 1537 (d)(i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount  
1538 described in Subsection (4)(a) shall be transferred each year as designated sales  
1539 and use tax revenue to the Division of Water Rights to cover the costs incurred in  
1540 hiring legal and technical staff for the adjudication of water rights.
- 1541 (ii) At the end of each fiscal year:
- 1542 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to  
1543 the Water Resources Conservation and Development Fund created in Section  
1544 73-10-24;
- 1545 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1546 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 1547 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the  
1548 Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 1549 (e)(i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount  
1550 described in Subsection (4)(a) shall be deposited into the Water Resources  
1551 Conservation and Development Fund created in Section 73-10-24 for use by the  
1552 Division of Water Resources.
- 1553 (ii) In addition to the uses allowed of the Water Resources Conservation and  
1554 Development Fund under Section 73-10-24, the Water Resources Conservation

- 1555 and Development Fund may also be used to:
- 1556 (A) conduct hydrologic and geotechnical investigations by the Division of Water  
1557 Resources in a cooperative effort with other state, federal, or local entities, for  
1558 the purpose of quantifying surface and ground water resources and describing  
1559 the hydrologic systems of an area in sufficient detail so as to enable local and  
1560 state resource managers to plan for and accommodate growth in water use  
1561 without jeopardizing the resource;
- 1562 (B) fund state required dam safety improvements; and
- 1563 (C) protect the state's interest in interstate water compact allocations, including the  
1564 hiring of technical and legal staff.
- 1565 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described in  
1566 Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program  
1567 Subaccount created in Section 73-10c-5 for use by the Water Quality Board to fund  
1568 wastewater projects.
- 1569 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1570 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program  
1571 Subaccount created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 1572 (i) provide for the installation and repair of collection, treatment, storage, and  
1573 distribution facilities for any public water system, as defined in Section 19-4-102;
- 1574 (ii) develop underground sources of water, including springs and wells; and
- 1575 (iii) develop surface water sources.
- 1576 (5)(a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1577 2006, the difference between the following amounts shall be expended as provided in  
1578 this Subsection (5), if that difference is greater than \$1:
- 1579 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for  
1580 the fiscal year by a 1/16% tax rate on the transactions described in Subsection (1);  
1581 and
- 1582 (ii) \$17,500,000.
- 1583 (b)(i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:
- 1584 (A) transferred each fiscal year to the Department of Natural Resources as  
1585 designated sales and use tax revenue; and
- 1586 (B) expended by the Department of Natural Resources for watershed rehabilitation  
1587 or restoration.
- 1588 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use

- 1589 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources  
1590 Conservation and Development Fund created in Section 73-10-24.
- 1591 (c)(i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1592 remaining difference described in Subsection (5)(a) shall be:
- 1593 (A) transferred each fiscal year to the Division of Water Resources as designated  
1594 sales and use tax revenue; and
- 1595 (B) expended by the Division of Water Resources for cloud-seeding projects  
1596 authorized by Title 73, Chapter 15, Modification of Weather.
- 1597 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use  
1598 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources  
1599 Conservation and Development Fund created in Section 73-10-24.
- 1600 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the  
1601 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1602 Resources Conservation and Development Fund created in Section 73-10-24 for use  
1603 by the Division of Water Resources for:
- 1604 (i) preconstruction costs:
- 1605 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73,  
1606 Chapter 26, Bear River Development Act; and
- 1607 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1608 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 1609 (ii) the cost of employing a civil engineer to oversee any project authorized by Title  
1610 73, Chapter 26, Bear River Development Act;
- 1611 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline  
1612 project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development  
1613 Act; and
- 1614 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and  
1615 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i)  
1616 through (iii).
- 1617 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the  
1618 remaining difference described in Subsection (5)(a) shall be deposited each year into  
1619 the Water Rights Restricted Account created by Section 73-2-1.6.
- 1620 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), each  
1621 fiscal year, the commission shall deposit into the Water Infrastructure Restricted  
1622 Account created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax



1623 rate on the transactions described in Subsection (1) for the fiscal year.

1624 (7)(a) Notwithstanding Subsection (3)(a) and subject to Subsections (7)(b), (c), and (d),  
1625 for a fiscal year beginning on or after July 1, 2023, the commission shall deposit into  
1626 the Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of  
1627 the taxes listed under Subsection (3)(a) equal to 17% of the revenue collected from  
1628 the following sales and use taxes:

- 1629 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1630 (ii) the tax imposed by Subsection (2)(b)(i);
- 1631 (iii) the tax imposed by Subsection (2)(c)(i); and
- 1632 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1633 (b)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall  
1634 annually reduce the deposit under Subsection (7)(a) into the Transportation  
1635 Investment Fund of 2005 by an amount equal to .44% of the revenue collected  
1636 from the following sales and use taxes:

- 1637 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1638 (B) the tax imposed by Subsection (2)(b)(i);
- 1639 (C) the tax imposed by Subsection (2)(c)(i); and
- 1640 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).

1641 (ii) The commission shall annually deposit the amount described in Subsection  
1642 (7)(b)(i) into the Cottonwood Canyons Transportation Investment Fund created in  
1643 Section 72-2-124.

1644 (c)(i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,  
1645 2023, the commission shall annually reduce the deposit into the Transportation  
1646 Investment Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is  
1647 equal to 5% of:

- 1648 (A) the amount of revenue generated in the current fiscal year by the portion of  
1649 taxes listed under Subsection (3)(a) that equals 20.68% of the revenue  
1650 collected from taxes described in Subsections (7)(a)(i) through (iv);
- 1651 (B) the amount of revenue generated in the current fiscal year by registration fees  
1652 designated under Section 41-1a-1201 to be deposited into the Transportation  
1653 Investment Fund of 2005; and
- 1654 (C) revenue transferred by the Division of Finance to the Transportation  
1655 Investment Fund of 2005 in accordance with Section 72-2-106 in the current  
1656 fiscal year.

- 1657 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a  
1658 given fiscal year.
- 1659 (iii) The commission shall annually deposit the amount described in Subsection  
1660 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection  
1661 72-2-124(11).
- 1662 (d)(i) For a fiscal year beginning on or after July 1, 2024, the commission shall  
1663 annually reduce the deposit into the Transportation Investment Fund of 2005  
1664 under this Subsection (7) by an amount that is equal to 1% of the revenue  
1665 collected from the following sales and use taxes:
- 1666 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
  - 1667 (B) the tax imposed by Subsection (2)(b)(i);
  - 1668 (C) the tax imposed by Subsection (2)(c)(i); and
  - 1669 (D) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1670 (ii) The commission shall annually deposit the amount described in Subsection  
1671 (7)(d)(i) into the Commuter Rail Subaccount created in Section 72-2-124.
- 1672 (8)(a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under  
1673 Subsection (7), and subject to Subsections (8)(b)[~~and (d)(ii)~~], for a fiscal year  
1674 beginning on or after July 1, 2018, the commission shall annually deposit into the  
1675 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the  
1676 taxes listed under Subsection (3)(a) in an amount equal to 3.68% of the revenue  
1677 collected from the following taxes:
- 1678 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
  - 1679 (ii) the tax imposed by Subsection (2)(b)(i);
  - 1680 (iii) the tax imposed by Subsection (2)(c)(i); and
  - 1681 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1682 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually  
1683 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection  
1684 (8)(a) by an amount that is equal to 35% of the amount of revenue generated in the  
1685 current fiscal year by the portion of the tax imposed on motor and special fuel that is  
1686 sold, used, or received for sale or use in this state that exceeds 29.4 cents per gallon.
- 1687 (c) The commission shall annually deposit the amount described in Subsection (8)(b)  
1688 into the Transit Transportation Investment Fund created in Section 72-2-124.
- 1689 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1690 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies

- 1691 Fund created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.
- 1692 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the fiscal  
1693 year during which the commission receives notice under Section 63N-2-510 that  
1694 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the  
1695 commission shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the  
1696 revenue generated by the taxes listed under Subsection (3)(a) into the Hotel Impact  
1697 Mitigation Fund, created in Section 63N-2-512.
- 1698 (11)(a) The rate specified in this subsection is 0.15%.
- 1699 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning  
1700 on or after July 1, 2019, annually transfer the amount of revenue collected from the  
1701 rate described in Subsection (11)(a) on the transactions that are subject to the sales  
1702 and use tax under Subsection (2)(a)(i)(A) into the Medicaid ACA Fund created in  
1703 Section 26B-1-315.
- 1704 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1705 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated  
1706 credit solely for use of the Search and Rescue Financial Assistance Program created in,  
1707 and expended in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 1708 (13)(a) For each fiscal year beginning with fiscal year 2020-21, the commission shall  
1709 annually transfer \$1,813,400 of the revenue deposited into the Transportation  
1710 Investment Fund of 2005 under Subsections (7) and (8) to the General Fund.
- 1711 (b) If the total revenue deposited into the Transportation Investment Fund of 2005 under  
1712 Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall  
1713 transfer the total revenue deposited into the Transportation Investment Fund of 2005  
1714 under Subsections (7) and (8) during the fiscal year to the General Fund.
- 1715 (14) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610, beginning  
1716 the first day of the calendar quarter one year after the sales and use tax boundary for a  
1717 housing and transit reinvestment zone is established, the commission, at least annually,  
1718 shall transfer an amount equal to 15% of the sales and use tax increment within an  
1719 established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit  
1720 Transportation Investment Fund created in Section 72-2-124.
- 1721 (15) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning  
1722 on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure Restricted  
1723 Account, created in Section 51-9-902, a portion of the taxes listed under Subsection  
1724 (3)(a) equal to 1% of the revenue collected from the following sales and use taxes:

- 1725 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1726 (b) the tax imposed by Subsection (2)(b)(i);
- 1727 (c) the tax imposed by Subsection (2)(c)(i); and
- 1728 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1729 (16) Notwithstanding Subsection (3)(a), beginning October 1, 2024 the commission shall
- 1730 transfer to the Utah Fairpark Area Investment and Restoration District, created in
- 1731 Section 11-70-201, the revenue from the sales and use tax imposed by Subsection
- 1732 (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within the district sales tax area, as
- 1733 defined in Section 11-70-101.
- 1734 (17)(a) As used in this Subsection (17):
- 1735 (i) "Additional land" means point of the mountain state land described in Subsection
- 1736 11-59-102(6)(b) that the point of the mountain authority acquires after the point of
- 1737 the mountain authority provides the commission a map under Subsection (17)(c).
- 1738 (ii) "Point of the mountain authority" means the Point of the Mountain State Land
- 1739 Authority, created in Section 11-59-201.
- 1740 (iii) "Point of the mountain state land" means the same as that term is defined in
- 1741 Section 11-59-102.
- 1742 (b) Notwithstanding Subsection (3)(a), the commission shall distribute to the point of the
- 1743 mountain authority 50% of the revenue from the sales and use tax imposed by
- 1744 Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring on the point of the
- 1745 mountain state land.
- 1746 (c) The distribution under Subsection (17)(b) shall begin the next calendar quarter that
- 1747 begins at least 90 days after the point of the mountain authority provides the
- 1748 commission a map that:
- 1749 (i) accurately describes the point of the mountain state land; and
- 1750 (ii) the point of the mountain authority certifies as accurate.
- 1751 (d) A distribution under Subsection (17)(b) with respect to additional land shall begin
- 1752 the next calendar quarter that begins at least 90 days after the point of the mountain
- 1753 authority provides the commission a map of point of the mountain state land that:
- 1754 (i) accurately describes the point of the mountain state land, including the additional
- 1755 land; and
- 1756 (ii) the point of the mountain authority certifies as accurate.
- 1757 (e)(i) Upon the payment in full of bonds secured by the sales and use tax revenue
- 1758 distributed to the point of the mountain authority under Subsection (17)(b), the

- 1759 point of the mountain authority shall immediately notify the commission in  
 1760 writing that the bonds are paid in full.
- 1761 (ii) The commission shall discontinue distributions of sales and use tax revenue under  
 1762 Subsection (17)(b) at the beginning of the calendar quarter that begins at least 90  
 1763 days after the date that the commission receives the written notice under  
 1764 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.**
- 1767 Appropriations made to the following programs are nonlapsing:
- 1768 (1) The Legislature and the Legislature's committees.
- 1769 (2) The State Board of Education, including all appropriations to agencies, line items, and  
 1770 programs under the jurisdiction of the State Board of Education, in accordance with  
 1771 Section 53F-9-103.
- 1772 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 1773 (4) The Percent-for-Art Program created in Section 9-6-404.
- 1774 (5) The LeRay McAllister Working Farm and Ranch Fund Program created in [~~Section~~  
 1775 ~~4-46-301~~] Title 4, Chapter 46, Part 3, LeRay McAllister Working Farm and Ranch Fund  
 1776 Program.
- 1777 (6) The Utah Lake Authority created in Section 11-65-201.
- 1778 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under  
 1779 Subsection 17-16-21(2)(d)(ii).
- 1780 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.
- 1781 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection  
 1782 26B-3-108(7).
- 1783 (10) The primary care grant program created in Section 26B-4-310.
- 1784 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 1785 (12) The Utah Health Care Workforce Financial Assistance Program created in Section  
 1786 26B-4-702.
- 1787 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 1788 (14) The Utah Medical Education Council for the:
- 1789 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;  
 1790 (b) provision of medical residency grants described in Section 26B-4-711; and  
 1791 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 1792 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.

- 1793 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program  
1794 created in Section 26B-7-122.
- 1795 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with  
1796 Subsection 32B-2-301(8)(a) or (b).
- 1797 (18) The General Assistance program administered by the Department of Workforce  
1798 Services, as provided in Section 35A-3-401.
- 1799 (19) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 1800 (20) The Search and Rescue Financial Assistance Program, as provided in Section  
1801 53-2a-1102.
- 1802 (21) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 1803 (22) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 1804 (23) The Utah Board of Higher Education for teacher preparation programs, as provided in  
1805 Section 53B-6-104.
- 1806 (24) Innovation grants under Section 53G-10-608, except as provided in Subsection  
1807 53G-10-608(6).
- 1808 (25) The Division of Fleet Operations for the purpose of upgrading underground storage  
1809 tanks under Section 63A-9-401.
- 1810 (26) The Division of Technology Services for technology innovation as provided under  
1811 Section 63A-16-903.
- 1812 (27) The State Capitol Preservation Board created by Section 63O-2-201.
- 1813 (28) The Office of Administrative Rules for publishing, as provided in Section 63G-3-402.
- 1814 (29) The Colorado River Authority of Utah, created in Title 63M, Chapter 14, Colorado  
1815 River Authority of Utah Act.
- 1816 (30) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act, as  
1817 provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.
- 1818 (31) The Governor's Office of Economic Opportunity's Rural Employment Expansion  
1819 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion  
1820 Program.
- 1821 (32) County correctional facility contracting program for state inmates as described in  
1822 Section 64-13e-103.
- 1823 (33) County correctional facility reimbursement program for state probationary inmates and  
1824 state parole inmates as described in Section 64-13e-104.
- 1825 (34) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.
- 1826 (35) The Division of Human Resource Management user training program, as provided in

- 1827 Section 63A-17-106.
- 1828 (36) A public safety answering point's emergency telecommunications service fund, as  
1829 provided in Section 69-2-301.
- 1830 (37) The Traffic Noise Abatement Program created in Section 72-6-112.
- 1831 (38) The money appropriated from the Navajo Water Rights Negotiation Account to the  
1832 Division of Water Rights, created in Section 73-2-1.1, for purposes of participating in a  
1833 settlement of federal reserved water right claims.
- 1834 (39) The Judicial Council for compensation for special prosecutors, as provided in Section  
1835 77-10a-19.
- 1836 (40) A state rehabilitative employment program, as provided in Section 78A-6-210.
- 1837 (41) The Utah Geological Survey, as provided in Section 79-3-401.
- 1838 (42) The Bonneville Shoreline Trail Program created under Section 79-5-503.
- 1839 (43) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and  
1840 78B-6-144.5.
- 1841 (44) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense  
1842 Commission.
- 1843 (45) The program established by the Division of Facilities Construction and Management  
1844 under Section 63A-5b-703 under which state agencies receive an appropriation and pay  
1845 lease payments for the use and occupancy of buildings owned by the Division of  
1846 Facilities Construction and Management.
- 1847 (46) The State Tax Commission for reimbursing counties for deferrals in accordance with  
1848 Section 59-2-1802.5.
- 1849 (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.**
- 1852 (1) There is created in the department a committee known as the "Agricultural Water  
1853 Optimization Committee" that consists of:
- 1854 (a) the commissioner of the department, or the commissioner's designee;  
1855 (b) the director of the division, or the director's designee;  
1856 (c) the director of the Division of Water Rights, or the director's designee;  
1857 (d) the dean of the College of Agriculture and Applied Science from Utah State  
1858 University, or the dean's designee;  
1859 (e) one individual representing local conservation districts created by Title 17D, Chapter  
1860 3, Conservation District Act, appointed by the executive director of the Department

- 1861 of Natural Resources;
- 1862 (f) one individual representing water conservancy districts, appointed by the executive  
1863 director of the Department of Natural Resources; and
- 1864 (g) three Utah residents representing the interests of the agriculture industry appointed  
1865 by the executive director of the Department of Natural Resources.
- 1866 (2)(a) An individual appointed under Subsection (1) shall serve for a term of four years.
- 1867 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director of the  
1868 Department of Natural Resources shall, at the time of appointment or reappointment,  
1869 adjust the length of terms to ensure that the terms of appointed members are  
1870 staggered so that approximately half of the appointed members are appointed every  
1871 two years.
- 1872 (3)(a) The presence of five members constitutes a quorum.
- 1873 (b) The vote of five members constitutes the transaction of business by the committee.
- 1874 (c) The committee shall select one of the committee's members to be chair. The  
1875 committee may select a member to be vice chair to act in place of the chair:
- 1876 (i) during the absence or disability of the chair; or  
1877 (ii) as requested by the chair.
- 1878 (d) The committee shall convene at the times and places prescribed by the chair.
- 1879 (4) A member may not receive compensation or benefits for the member's service, but may  
1880 receive per diem and travel expenses in accordance with:
- 1881 (a) Section 63A-3-106;  
1882 (b) Section 63A-3-107; and  
1883 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
1884 63A-3-107.
- 1885 (5) The department shall provide administrative support to the committee.
- 1886 (6) The committee shall make rules, in accordance with Title 63G, Chapter 3, Utah  
1887 Administrative Rulemaking Act, establishing:
- 1888 (a) eligibility requirements for a grant issued under Section 73-10g-206, except that the  
1889 eligibility requirements shall:
- 1890 (i) require at least a match for grant money of 50% of the total costs, except that for a  
1891 grant application filed on or after January 1, 2024, the eligibility requirements  
1892 shall require at least a match of 25% of the total costs for:
- 1893 (A) a subsurface drip [~~or automated surge~~]irrigation project;  
1894 (B) an automated surge irrigation project; or



- 1895           (C) a measurement, telemetry, or reporting project;
- 1896           (ii) consider the statewide need to distribute grant money;
- 1897           (iii) require a grant recipient to construct or install and maintain one or more
- 1898                 measuring devices as necessary to comply with Section 73-5-4 and rules adopted
- 1899                 by the Division of Water Rights regarding installation, use, and maintenance of
- 1900                 devices to measure water use and to demonstrate water use in accordance with a
- 1901                 project funded by a grant; and
- 1902           (iv) require a grant recipient to report water diversion and use measurements to the
- 1903                 state engineer pursuant to Section 73-5-4 and rules made by the state engineer, in
- 1904                 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 1905                 water measurement and reporting;
- 1906           (b) the process for applying for a grant issued under Section 73-10g-206; and
- 1907           (c) preliminary screening criteria to be used by the department under Subsection
- 1908                 73-10g-206(2)(d).
- 1909   (7) The committee shall, in coordination with the division:
- 1910           (a) as of July 1, 2023, assume oversight of all remaining research and contracts of the
- 1911                 previous Agricultural Water Optimization Task Force activities;
- 1912           (b) post research to address and account for farm economics at the enterprise and
- 1913                 community level that affects agricultural water optimization and encourage market
- 1914                 behavior that financially rewards agricultural water optimization practices;
- 1915           (c) oversee research to identify obstacles to and constraints upon optimization of
- 1916                 agricultural water use, and to recommend management tools, technologies, and other
- 1917                 opportunities to optimize agricultural water use as measured at the basin level; and
- 1918           (d) facilitate benefits for farmers who optimize water use and protect water quality.
- 1919   (8) The committee shall comply with Section 73-10g-206 related to grants issued under this
- 1920           part.

1921           Section 37. **Repealer.**

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.**

1927           This bill takes effect on May 7, 2025.