

1 **ELECTRONIC GOVERNMENT SERVICES**

2 **AMENDMENTS - AGRICULTURE**

3 2002 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Richard M. Siddoway**

6 **This act modifies provisions of the Utah Agricultural Code to facilitate the making of certain**
7 **communications or the taking of certain action electronically. This act also makes technical**
8 **changes.**

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

10 AMENDS:

11 **4-11-4**, as last amended by Chapter 130, Laws of Utah 1985

12 **4-22-8**, as last amended by Chapter 253, Laws of Utah 1994

13 **4-33-8**, as last amended by Chapter 130, Laws of Utah 1985

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

15 Section 1. Section **4-11-4** is amended to read:

16 **4-11-4. Bee raising -- Registration required -- Application -- Fees -- Renewal --**
17 **Wax-salvage plants -- License required -- Application -- Fees -- Renewal.**

18 (1) No person may raise bees in this state without being registered with the department.
19 Application for registration to raise bees shall be made to the department upon tangible or
20 electronic forms prescribed and furnished by it. The application shall specify the name and address
21 of the applicant, the number of bee colonies owned by the applicant, and any other relevant
22 information the department considers appropriate. Upon receipt of a proper application and
23 payment of an annual registration fee determined by the department pursuant to Subsection
24 4-2-2(2), the commissioner shall issue a registration to the applicant valid through December 31
25 of the year in which the registration is issued subject to suspension or revocation for cause. Each
26 bee registration is renewable for a period of one year upon the payment of an annual registration
27 renewal fee determined by the department pursuant to Subsection 4-2-2(2). Registration shall be



28 renewed on or before December 31 of each year.

29 (2) No person may operate a wax-salvage plant without a license issued by the department.
30 Application for a license to operate a wax-salvage plant shall be made to the department upon
31 tangible or electronic forms prescribed and furnished by it [~~which~~]. The application shall specify
32 such information as the department [~~deems~~] considers appropriate. Upon receipt of a proper
33 application and payment of a license fee determined by the department pursuant to Subsection
34 4-2-2(2), the commissioner, if satisfied that the convenience and necessity of the industry and the
35 public will be served, shall issue a license entitling the applicant to operate a wax-salvage plant
36 through December 31 of the year in which the license is issued, subject to suspension or revocation
37 for cause. A wax-salvage license is renewable for a period of one year, on or before December 31
38 of each year, upon the payment of an annual license renewal fee determined by the department
39 pursuant to Subsection 4-2-2(2).

40 Section 2. Section **4-22-8** is amended to read:

41 **4-22-8. Revenue from assessment used to promote dairy industry -- Deposit of funds**
42 **-- Annual audit of books, records, and accounts -- Annual financial report to producers.**

43 (1) The revenue derived from the assessment imposed by Section 4-22-7 shall be used
44 exclusively for the:

45 (a) administration of this chapter; and

46 (b) promotion of the state's dairy industry.

47 (2) (a) A voucher, receipt, or other written record for each withdrawal from the Utah Dairy
48 Commission Fund shall be kept by the commission.

49 (b) No funds shall be withdrawn from the fund except upon order of the commission.

50 (3) The commission may deposit the proceeds of the assessment in one or more accounts
51 in one or more banks approved by the state as depositories.

52 (4) The books, records, and accounts of the commission's activities are public records.

53 (5) (a) The accounts of the commission shall be audited once annually by a licensed
54 accountant selected by the commissioner and approved by the state auditor.

55 (b) The results of the audit shall be submitted to the:

56 (i) commissioner;

57 (ii) commission; and

58 (iii) Division of Finance.

59 (c) It is the responsibility of the commission to [mail] send annually a financial report to
60 each producer.

61 Section 3. Section **4-33-8** is amended to read:

62 **4-33-8. Locking and sealing of pumps in violation of chapter -- Posting notice --**
63 **Removal of sealed fuel -- Resealing.**

64 (1) The department may lock and seal any pump or other dispensing device which is in
65 violation of this chapter. If such action is taken, the department shall post a notice in a
66 conspicuous place on the pump or other dispensing device stating that the device has been sealed
67 by the department and that it is unlawful to break or destroy the seal or to mutilate or alter the
68 notice.

69 (2) Any person who is aggrieved by the action of the department may advise the
70 department that such person intends to remove the balance of the motor fuel from the tank or other
71 container which contains the sealed fuel. The department, within two working days after the
72 receipt of such notice, shall break the seal or lock for the container to be emptied.

73 (3) If the aggrieved party fails to remove the sealed motor fuel within 24 hours after the
74 department breaks the seal, the department may reseal the dispensing device. The seal may not
75 be broken nor the contents of any container removed, except after a subsequent written notice of
76 intent to remove is filed with the department and upon the payment of a service charge determined
77 by the department pursuant to Subsection 4-2-2(2). A notice of intent to remove may be filed on
78 paper or electronically.

Legislative Review Note

as of 11-8-01 4:30 PM

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

Office of Legislative Research and General Counsel

Committee Note

The Public Utilities and Technology Interim Committee recommended this bill.