

1 **UTAH AGRICULTURAL CODE AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen G. Handy**

5 Senate Sponsor: David P. Hinkins

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Utah Agricultural Code.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ states that the county bee inspector or the Department of Agriculture and Food may
13 inspect an apiary within a county;

14 ▶ states that the Department of Agriculture and Food may make rules to control and
15 eradicate certain infectious diseases in livestock;

16 ▶ establishes fines;

17 ▶ repeals language; and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **4-11-7**, as last amended by Laws of Utah 2010, Chapter 73

26 **4-23-8**, as last amended by Laws of Utah 2010, Chapters 73 and 378

27 **4-31-109**, as enacted by Laws of Utah 2012, Chapter 331



28 ENACTS:

29 **4-31-109.1**, Utah Code Annotated 1953

30 REPEALS:

31 **4-23-9**, as last amended by Laws of Utah 1994, Chapter 98



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

34 Section 1. Section **4-11-7** is amended to read:

35 **4-11-7. Inspector -- Duties -- Diseased apiaries -- Examination of diseased bees by**
36 **department -- Election to transport bees to wax-salvage plant.**

37 (1) The county bee inspector or the department [~~shall~~] may inspect all apiaries within
38 the county at least once each year and, also, inspect immediately any apiary within the county
39 that is alleged in a written complaint to be severely diseased, parasitized, or abandoned.

40 (2) If, upon inspection, the inspector determines that an apiary is diseased or
41 parasitized, the inspector shall take the following action based on the severity of the disease or
42 parasite present:

43 (a) prescribe the course of treatment that the owner or caretaker of the bees shall follow
44 to eliminate the disease or parasite;

45 (b) personally, for the purpose of treatment approved by the department, take control of
46 the afflicted bees, hives, combs, broods, honey, and equipment; or

47 (c) destroy the afflicted bees and, if necessary, their hives, combs, broods, honey, and
48 all appliances that may have become infected.

49 (3) If, upon reinspection, the inspector determines that the responsible party has not
50 executed the course of treatment prescribed by Subsection (2), the inspector may take
51 immediate possession of the afflicted colony for control or destruction in accordance with
52 Subsection (2)(b) or (c).

53 (4) (a) The owner of an apiary who is dissatisfied with the diagnosis or course of action
54 proposed by an inspector under this section may, at the owner's expense, have the department
55 examine the alleged diseased bees.

56 (b) The decision of the commissioner with respect to the condition of bees at the time
57 of the examination is final and conclusive upon the owner and the inspector involved.

58 (5) The owner of a diseased apiary, notwithstanding the provisions of Subsections (2),
 59 (3), and (4), may elect under the direction of the county bee inspector to kill the diseased bees,
 60 seal their hives, and transport them to a licensed wax-salvage plant.

61 Section 2. Section **4-23-8** is amended to read:

62 **4-23-8. Proceeds of sheep fee -- Refund of sheep fees -- Annual audit of books,**
 63 **records, and accounts.**

64 (1) (a) Subject to the other provisions of this Subsection (1), the commissioner may
 65 spend an amount each year from the proceeds collected from the fee imposed on sheep for the
 66 promotion, advancement, and protection of the sheep interests of the state.

67 (b) The amount described in Subsection (1)(a) shall be the equivalent to an amount
 68 that:

69 (i) equals or exceeds 18 cents per head; and

70 (ii) equals or is less than 25 cents per head.

71 (c) The commissioner shall set the amount described in Subsection (1)(a):

72 (i) on or before January 1 of each year; and

73 (ii) in consultation with one or more statewide organizations that represent persons
 74 who grow wool.

75 ~~[(d) All costs to promote or advance sheep interests shall be deducted from the total~~
 76 ~~revenue collected before calculating the annual budget request, which shall be made by the~~
 77 ~~Division of Wildlife Resources as specified in Section 4-23-9.]~~

78 ~~[(e)]~~ (d) A sheep fee is refundable in an amount equal to that part of the fee used to
 79 promote, advance, or protect sheep interests.

80 ~~[(f)]~~ (e) A refund claim shall be filed with the department on or before January 1 of the
 81 year immediately succeeding the year for which the fee was paid.

82 ~~[(g)]~~ (f) A refund claim shall be certified by the department to the state treasurer for
 83 payment from the Agricultural and Wildlife Damage Prevention Account created in Section
 84 [4-23-7.5](#).

85 (2) Any expense incurred by the department in administering refunds shall be paid
 86 from funds allocated for the promotion, advancement, and protection of the sheep interests of
 87 the state.

88 (3) (a) The books, records, and accounts of the Utah Woolgrowers Association, or any

89 other organization which receives funds from the agricultural and wildlife damage prevention
90 account, for the purpose of promoting, advancing, or protecting the sheep interests of the state,
91 shall be audited at least once annually by a licensed accountant.

92 (b) The results of this audit shall be submitted to the commissioner.

93 Section 3. Section 4-31-109 is amended to read:

94 **4-31-109. Department authorized to make and enforce rules concerning**
95 **brucellosis, trichomoniasis, and tuberculosis in livestock.**

96 (1) The department may:

97 (a) make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
98 Rulemaking Act, to control and eradicate brucellosis, porcine picornavirus, scabies,
99 trichomoniasis, [and] tuberculosis, and other infectious diseases in livestock; and

100 (b) enforce the rules described in Subsection (1)(a).

101 (2) The department shall, in making the rules described in Subsection (1)(a), protect
102 against negative impact on the interstate or intrastate commerce of livestock that is transferred,
103 sold, or exhibited.

104 Section 4. Section 4-31-109.1 is enacted to read:

105 **4-31-109.1. Trichomoniasis fines.**

106 (1) A person who knowingly sells an animal infected with trichomoniasis, other than to
107 slaughter, without declaring the disease status of the animal shall be subject to citation and
108 finest as prescribed by the department or may be called to appear before an administrative
109 proceeding by the department, as established by rule in accordance with Title 63G, Chapter 3,
110 Utah Administrative Rulemaking Act, and Section 4-31-109.

111 (2) After April 30 of each calendar year, an owner of a bull that has not been tested for
112 trichomoniasis shall be fined \$1,000 per violation.

113 (3) An owner of a bull that has not been tested for trichomoniasis and that has been
114 exposed to female cattle shall be fined \$1,000 per violation regardless of the time of year.

115 Section 5. **Repealer.**

116 This bill repeals:

117 Section **4-23-9, Annual budget requests -- Relation to amount of fees and**
118 **supplemental contributions deposited in Agricultural and Wildlife Damage Prevention**
119 **Account -- Commissioner to certify amount deposited.**

Legislative Review Note
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Office of Legislative Research and General Counsel