

**Representative Keven J. Stratton** proposes the following substitute bill:

**AGRICULTURE AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses the regulation of agriculture.

**Highlighted Provisions:**

This bill:

- ▶ addresses the regulation of bedding, upholstered furniture, quilted clothing, or filling material;
- ▶ addresses the Utah Dairy Commission;
- ▶ removes regulation of marks apart from brands;
- ▶ modifies regulation of brands;
- ▶ updates language related to websites promoting the sale of livestock;
- ▶ modifies language related to travel permits;
- ▶ modifies provisions related to contagious or infectious disease, epidemic, or poisoning including addressing stopping of vehicles and entering premises;
- ▶ addresses quarantines, including assessment of costs;
- ▶ modifies provisions related to aquaculture or fee fishing facilities, including addressing inspections and stocking; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **4-10-102**, as renumbered and amended by Laws of Utah 2017, Chapter 345

32 **4-10-104**, as last amended by Laws of Utah 2020, Chapter 316

33 **4-10-106**, as last amended by Laws of Utah 2020, Chapters 316 and 354

34 **4-10-107**, as renumbered and amended by Laws of Utah 2017, Chapter 345

35 **4-10-112**, as renumbered and amended by Laws of Utah 2017, Chapter 345

36 **4-22-103**, as last amended by Laws of Utah 2020, Chapter 6

37 **4-24-102**, as last amended by Laws of Utah 2018, Chapter 355

38 **4-24-201**, as renumbered and amended by Laws of Utah 2017, Chapter 345

39 **4-24-202**, as renumbered and amended by Laws of Utah 2017, Chapter 345

40 **4-24-203**, as renumbered and amended by Laws of Utah 2017, Chapter 345

41 **4-24-204**, as renumbered and amended by Laws of Utah 2017, Chapter 345

42 **4-24-205**, as renumbered and amended by Laws of Utah 2017, Chapter 345

43 **4-24-303**, as last amended by Laws of Utah 2018, Chapter 355

44 **4-24-305**, as renumbered and amended by Laws of Utah 2017, Chapter 345

45 **4-24-306**, as renumbered and amended by Laws of Utah 2017, Chapter 345

46 **4-24-401**, as renumbered and amended by Laws of Utah 2017, Chapter 345

47 **4-24-402**, as renumbered and amended by Laws of Utah 2017, Chapter 345

48 **4-24-403**, as renumbered and amended by Laws of Utah 2017, Chapter 345

49 **4-24-405**, as renumbered and amended by Laws of Utah 2017, Chapter 345

50 **4-24-502**, as last amended by Laws of Utah 2018, Chapter 355

51 **4-24-504**, as renumbered and amended by Laws of Utah 2017, Chapter 345

52 **4-31-115**, as last amended by Laws of Utah 2017, Chapter 345

53 **4-31-116**, as last amended by Laws of Utah 2017, Chapter 345

54 **4-37-104**, as last amended by Laws of Utah 2017, Chapter 412

55 **4-37-204**, as last amended by Laws of Utah 2017, Chapter 412

56 **4-37-502**, as last amended by Laws of Utah 2010, Chapter 378

57 [4-37-503](#), as last amended by Laws of Utah 2010, Chapters 286 and 378

58 [4-39-108](#), as last amended by Laws of Utah 2017, Chapter 345

59 ENACTS:

60 [4-10-114](#), Utah Code Annotated 1953



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

63 Section 1. Section **4-10-102** is amended to read:

64 **4-10-102. Definitions.**

65 As used in this chapter:

66 (1) "Article" means [a] bedding, upholstered furniture, quilted clothing, or filling  
67 material.

68 (2) "Bedding" means a:

69 (a) quilted, packing, mattress, or hammock pad; or

70 (b) mattress, boxspring, comforter, quilt, sleeping bag, studio couch, pillow, or cushion  
71 made with a filling material that can be used for sleeping or reclining.

72 (3) "Consumer" means a person who purchases, rents, or leases an article for the  
73 article's intended, everyday use.

74 (4) "Filling material" means cotton, wool, kapok, feathers, down, shoddy, hair, or other  
75 material, or a combination of materials, whether loose or in bags, bales, batting, pads, or other  
76 prefabricated form that is, or can be, used in bedding, upholstered furniture, or quilted clothing.

77 (5) "Label" means the display of written, printed, or graphic matter upon a tag or upon  
78 the immediate container of a bedding, upholstered furniture, quilted clothing, or filling  
79 material.

80 (6) (a) "Manufacture" means to make, process, or prepare from new or secondhand  
81 material, in whole or in part, a bedding, upholstered furniture, quilted clothing, or filling  
82 material for sale.

83 (b) "Manufacture" does not include making, processing, or preparing an article  
84 described in Subsection (6)(a) if:

85 (i) a person sells three or fewer of the articles per year; and

86 (ii) the articles are sold by persons who are not primarily engaged in the making,  
87 processing, or preparation of the articles.

88 (7) (a) "New material" means material that has not previously been used in the  
89 manufacture of another article used for any purpose.

90 (b) "New material" includes:

91 (i) by-products from a textile mill using only new raw material synthesized from a  
92 product that has been melted, liquified, and re-extruded[-]; and

93 (ii) down and feather that has been sterilized in accordance with the department's rules  
94 made under Sections 4-10-103 and 4-10-113.

95 (8) "Owner's own material" means an article owned or in the possession of a person for  
96 the person's own or a tenant's use that is sent to another person for manufacture or repair.

97 (9) "Quilted clothing" means a filled garment or apparel, exclusive of trim used for  
98 aesthetic effect, or a stiffener, shoulder pad, interfacing, or other material that is made in whole  
99 or in part from filling material and sold or offered for sale.

100 (10) "Reclaimed" or "reclaimed material" means material that would have otherwise  
101 been disposed of as waste or used for energy recovery, but instead is collected and used as a  
102 material input, in lieu of new primary material, as defined by rule by the department in  
103 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

104 (11) "Recycled" or "recycled material" means material that has been reprocessed from  
105 reclaimed material by means of an accepted manufacturing process and made into a final  
106 product or into a component for incorporation into a product as defined by rule by the  
107 department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

108 [~~10~~] (12) "Repair" means to restore, recover, alter, or renew bedding or upholstered  
109 furniture for a consideration.

110 [~~11~~] (13) "Retailer" means a person who sells bedding, upholstered furniture, quilted  
111 clothing, or filling material to a consumer for use primarily for personal, family, household, or  
112 business purposes.

113 [~~12~~] (14) (a) "Sale" or "sell" means to offer or expose for sale, barter, trade, deliver,  
114 consign, lease, or give away any bedding, upholstered furniture, quilted clothing, or filling  
115 material.

116 (b) "Sale" or "sell" does not include a judicial, executor's, administrator's, or guardian's  
117 sale of an item described in Subsection [~~12~~] (14)(a).

118 [~~13~~] (15) "Secondhand" means an article or filling material, or portion of an article or

119 filling material, that has previously been used.

120 ~~[(14)]~~ (16) "Sterilize" means to disinfect, decontaminate, sanitize, cleanse, or purify as  
 121 required by Section [4-10-113](#).

122 ~~[(15)]~~ (17) "Tag" means a card, flap, or strip attached to an article for the purpose of  
 123 displaying information required by this chapter or under rule made pursuant to it.

124 ~~[(16)]~~ (18) (a) "Used" means an article that has been sold to a consumer and has left  
 125 the store.

126 (b) "Used" does not include an article returned to the store:

127 (i) with ~~[its]~~ the article's original tags; and

128 (ii) in ~~[its]~~ the article's original packaging.

129 ~~[(17)]~~ (19) "Upholstered furniture" means portable or fixed furniture, except fixed  
 130 seats in motor vehicles, boats, or aircraft, that is made in whole or in part with filling material,  
 131 exclusive of trim used for aesthetic effect.

132 ~~[(18)]~~ (20) "Wholesaler" means a person who offers an article for resale to a retailer or  
 133 institution rather than a final consumer.

134 Section 2. Section **4-10-104** is amended to read:

135 **4-10-104. Manufacture, repair, or wholesale sale of bedding, upholstered**  
 136 **furniture, quilted clothing, or filling material -- Permit required.**

137 (1) It is unlawful for ~~[any]~~ a person to engage in the manufacture, repair, or wholesale  
 138 sale of ~~[any]~~ bedding, upholstered furniture, quilted clothing, or filling material without a  
 139 permit issued by the department.

140 (2) Notwithstanding Subsection (1), a person may engage in the repair of quilted  
 141 clothing without a permit issued by the department if that person is not otherwise required to  
 142 obtain a permit issued by the department under this chapter or by department rule.

143 Section 3. Section **4-10-106** is amended to read:

144 **4-10-106. Unlawful acts specified.**

145 It is unlawful for ~~[any]~~ a person to:

146 (1) sell bedding, upholstered furniture, quilted clothing, or filling material as new  
 147 unless it is made from new material and properly tagged;

148 (2) sell bedding, upholstered furniture, quilted clothing or filling material made from  
 149 secondhand material ~~[which]~~ that is not properly tagged;

- 150 (3) label or sell a used or secondhand article as if it were a new article;
- 151 (4) use burlap or other material [~~which~~] that has been used for packing or baling, or to
- 152 use any unsanitary, filthy, or vermin or insect infested filling material in the manufacture or
- 153 repair of [~~any~~] an article;
- 154 (5) sell bedding, upholstered furniture, quilted clothing or filling material [~~which~~] that
- 155 is not properly tagged regardless of point of origin;
- 156 (6) use [~~any~~] a false or misleading statement, term, or designation on [~~any~~] a tag;
- 157 (7) use [~~any~~] a false or misleading label;
- 158 (8) sell new bedding, upholstered furniture, or quilted clothing with filling material
- 159 made of down, feather, wool, or hair that has not been properly sterilized; or
- 160 (9) engage in the manufacture, repair, sterilization, or wholesale sale of bedding,
- 161 upholstered furniture, quilted clothing, or filling material without a permit issued by the
- 162 department as required by this chapter, unless otherwise exempt under Section 4-10-104 with
- 163 respect to the repair of quilted clothing.

164 Section 4. Section 4-10-107 is amended to read:

165 **4-10-107. Tagging requirements for bedding, upholstered furniture, and filling**

166 **material.**

- 167 (1) (a) [~~All bedding~~] The manufacturer, retailer, or repairer shall securely tag bedding,
- 168 upholstered furniture, and filling material [~~shall be securely tagged by the manufacturer,~~
- 169 ~~retailer, or repairer~~].
- 170 (b) [~~Tags~~] A tag shall be at least six square inches and plainly and indelibly labeled
- 171 with:
- 172 (i) information as the department requires by rule;
- 173 (ii) according to the filling material type, the words "All New Material," "Secondhand
- 174 Material," or "Owner's Material," stamped or printed on the label; and
- 175 (iii) the word "USED" stamped or printed on the label of a used mattress.
- 176 (c) [~~Each~~] A label shall be placed on the article in such a position as to facilitate ease
- 177 of examination.
- 178 (2) (a) If more than one type of filling material is used in an item, the percentage, by
- 179 weight, of each component part shall be listed in order of predominance.
- 180 (b) If a descriptive [~~statements are~~] statement is made about the frame, cover, or style

181 of the article, [~~such statements~~] the statement shall, in fact, be true.

182 (c) [~~All quilted~~] Quilted clothing shall be tagged and labeled in conformity with the  
183 Federal Textile Fiber Products Identification Act, 15 U.S.C. Secs. 70 through [~~70k~~] 70i.

184 (3) [~~No~~] A person, except the purchaser, may not remove, deface, or alter a tag  
185 attached according to this chapter.

186 (4) A used mattress shall be tagged with the word "USED," in accordance with rules  
187 established by the department.

188 (5) The retailer of a used mattress shall display the mattress so that the "USED" tag is  
189 clearly visible to a customer.

190 (6) (a) For items containing down or feather, a manufacturer, retailer, or repairer may  
191 use the terms "reclaimed," "reclaimed material," "recycled," or "recycled material" on a tag  
192 attached to the item if the item contains reclaimed or recycled material as defined in Section  
193 4-10-102.

194 (b) If a term allowed under this Subsection (6) is included on a tag, a manufacturer,  
195 retailer, or repairer shall:

196 (i) indicate whether an item is "new" or "used" as defined in this chapter; and

197 (ii) comply with Subsection (2).

198 Section 5. Section **4-10-112** is amended to read:

199 **4-10-112. Stop sale, use, or removal order authorized -- Conditions for release**  
200 **specified -- Condemnation or seizure -- Procedure specified -- Award of costs authorized.**

201 (1) (a) The department may issue a "stop sale, use, or removal order" to [~~any~~] a  
202 manufacturer, repairer, wholesaler, or retailer of any designated article or articles [~~which it~~]  
203 that the department finds or has reason to believe violates this chapter.

204 (b) The order shall be in writing and no article subject to [~~it~~] the order shall be  
205 removed, offered, or exposed for sale, except upon subsequent written release by the  
206 department.

207 (c) Before a release is issued, the department may require the manufacturer, repairer,  
208 wholesaler, or retailer of the "stopped" article to pay the expense incurred by the department in  
209 connection with the withdrawal of the article from the market or for any other expense incurred  
210 in enforcing this chapter and the department's rules made under this chapter.

211 (2) (a) The department [~~is authorized~~] may seek in a court of competent jurisdiction [~~to~~]

212 seek] an order of seizure or condemnation of [any] an article [which] that violates this chapter  
213 or, upon proper grounds, to obtain a temporary restraining order or permanent injunction to  
214 prevent violation of this chapter.

215 (b) [~~No bond shall~~] A bond may not be required of the department in an injunctive  
216 proceeding brought under this section.

217 (3) (a) Except as provided in Subsection (3)(b), if condemnation is ordered, the article  
218 shall be disposed of as the court directs.

219 (b) The court may not order condemnation without giving the claimant of the article an  
220 opportunity to apply to the court for permission to bring the article into conformance, or for  
221 permission to remove [it] the article from the state.

222 (4) If the court orders condemnation, court costs, fees, storage, and other costs shall be  
223 awarded against the claimant of the article.

224 Section 6. Section **4-10-114** is enacted to read:

225 **4-10-114. Use of reclaimed or recycled material.**

226 (1) A person may advertise an item filled with down, down and feather, or feather as  
227 “new” if it is manufactured using 100% reclaimed or recycled material, provided that the tag  
228 clearly discloses that the item is manufactured using 100% reclaimed or recycled material.

229 (2) The department may, in accordance with Title 63G, Chapter 3, Utah Administrative  
230 Rulemaking Act, make rules governing the use of reclaimed or recycled material under this  
231 chapter.

232 Section 7. Section **4-22-103** is amended to read:

233 **4-22-103. Utah Dairy Commission created.**

234 (1) There is created an independent state agency known as the Utah Dairy Commission.

235 (2) Subject to Subsection (5), the Utah Dairy Commission consists of 11 members as  
236 follows:

237 (a) nine voting members as follows:

238 (i) two from District 1, which consists of Cache and Rich Counties;

239 (ii) four members from District 2, which consists of Box Elder, Weber, Morgan, Salt  
240 Lake, Davis, Utah, [~~and~~] Tooele, Wasatch, Summit, Duchesne, Uintah, and Daggett Counties;  
241 and

242 (iii) three members from District 3, which consists of Millard, Beaver, Iron,



243 Washington, Sanpete, Carbon, Emery, Grand, Juab, San Juan, Piute, Wayne, Kane, Garfield,  
244 and Sevier Counties; and

245 (b) two nonvoting members as follows:

246 (i) the commissioner or the commissioner's designee; and

247 (ii) the dean of the College of Agriculture at Utah State University, or the dean's  
248 designee.

249 (3) The voting members listed in Subsection (2)(a) shall be elected to four-year terms  
250 of office as provided in Section 4-22-105.

251 (4) A voting member shall enter office on July 1 of the year in which the member is  
252 elected. The commission shall stagger the voting members' terms so that no more than three  
253 voting members' terms expire in a given year.

254 (5) (a) To maintain equitable representation of active milk producers on the  
255 commission, the commission may, by a two-thirds vote:

256 (i) alter the boundaries comprising the districts established in Subsection (2)(a); or

257 (ii) increase or decrease the number of voting members in each district without altering  
258 the total number of commission members.

259 (b) If the commission increases the number of voting members in a district under this  
260 Subsection (5), a new member will be elected as provided in Section 4-22-105.

261 (c) If the commission decreases the number of voting members in a district under this  
262 Subsection (5), each member representing the district will continue in office through the end of  
263 the member's term and the member whose term expires first will not be replaced or reelected  
264 upon expiration of the member's term.

265 (d) If the commission acts under this Subsection (5), it shall report the changes to the  
266 Natural Resources, Agriculture, and Environment Interim Committee.

267 (6) A member shall be:

268 (a) a citizen of the United States;

269 (b) 21 years ~~[of age]~~ old or older;

270 (c) an active milk producer with five consecutive years of experience in milk  
271 production within this state immediately preceding election; and

272 (d) a resident of Utah and the district represented.

273 Section 8. Section 4-24-102 is amended to read:

274 **4-24-102. Definitions.**

275 As used in this chapter:

276 (1) "Brand" means ~~[any]~~ an identifiable mark, including a tattoo or cutting and shaping  
277 of the ears or brisket area, applied to livestock that is intended to show ownership and the  
278 mark's location.

279 (2) "Carcass" means any part of the body of an animal, including entrails and edible  
280 meats.

281 (3) "Domesticated elk" means the same as that term is defined in Section 4-39-102.

282 (4) "Hide" means any skins or wool removed from livestock.

283 (5) "Livestock" means cattle, calves, horses, mules, sheep, goats, or hogs.

284 (6) (a) "Livestock market" means a public market place consisting of pens or other  
285 enclosures where cattle, calves, horses, or mules are received on consignment and kept for  
286 subsequent sale, either through public auction or private sale.

287 (b) "Livestock market" does not mean:

288 (i) a place used solely for liquidation of livestock by a farmer, dairyman, livestock  
289 breeder, or feeder who is going out of business; or

290 (ii) a place where an association of livestock breeders under the association's own  
291 management:

292 (A) offers registered livestock or breeding sires for sale~~[-]~~;

293 (B) assumes ~~[att]~~ the responsibility for the sale~~[-]~~;

294 (C) guarantees title to the livestock or sires sold~~[-]~~; and

295 (D) arranges with the department for brand inspection of ~~[att]~~ the animals sold.

296 ~~[(7) "Mark" means any cutting and shaping of the ears or brisket area of livestock that  
297 is intended to show ownership.]~~

298 ~~[(8)]~~ (7) "Open range" means land upon which cattle, sheep, or other domestic animals  
299 are grazed or permitted to roam by custom, license, lease, or permit.

300 ~~[(9)]~~ (8) "Slaughterhouse" means ~~[any]~~ a building, plant, or establishment where  
301 animals are harvested, dressed, or processed and ~~[their]~~ the animals' meat or meat products  
302 produced for human consumption.

303 Section 9. Section 4-24-201 is amended to read:

304 **Part 2. Brand**

305           **4-24-201. Central Brand Registry -- Division of state into brand districts --**  
306 **Identical or confusingly similar brands -- Publication of registered brands.**

307           (1) The department shall maintain a central Brand [~~and Mark~~] Registry [~~which shall~~  
308 ~~list] that lists~~ each brand [~~or mark~~] recorded in this state. For each brand [~~or mark~~] registered  
309 the list shall specify:

310           (a) the name and address of the registrant;

311           (b) a facsimile or diagram of the brand recorded [~~or a diagram showing the kind of~~  
312 ~~mark recorded~~];

313           (c) the location of the brand [~~or mark~~] upon the animal; and

314           (d) the date the brand [~~or mark~~] is filed in the [~~registry~~] central Brand Registry.

315           (2) The commissioner may divide the state into districts for the purpose of recording  
316 [~~marks~~] brands, but [~~no mark~~] a brand that is identical or confusingly similar to a [~~mark~~] brand  
317 previously recorded in a district [~~shall~~] may not be recorded.

318           (3) (a) [~~No~~] A brand that is identical or confusingly similar to a brand previously filed  
319 in the central [~~brand and mark registry shall~~] Brand Registry may not be recorded.

320           (b) If two or more brands [~~or marks~~] appear identical or confusingly similar:

321           (i) the brand [~~or mark~~] first recorded shall prevail over a later conflicting brand [~~or~~  
322 ~~mark~~]; and

323           (ii) the later brand [~~or mark~~] shall be cancelled and [~~all~~] the recording fees refunded to  
324 the owner.

325           (4) (a) The commissioner shall publish from time to time a list of all brands [~~and~~  
326 ~~marks~~] recorded in the central Brand [~~and Mark~~] Registry and may issue supplements to [~~such~~]  
327 that publication containing additional brands [~~and marks~~] or changes in ownership of brands  
328 [~~and marks~~] recorded after the last publication.

329           (b) The [~~brand book~~] publication published under Subsection (4)(a) shall contain a  
330 facsimile or diagram of all brands [~~and marks~~] recorded together with the owner's name and  
331 address.

332           (c) The commissioner shall, upon request, send one copy of the [~~brand book~~]  
333 publication published under Subsection (4)(a) and each supplement to each brand inspector,  
334 county clerk, county sheriff, livestock organization, [~~and~~] or any other person [~~deemed~~]  
335 considered appropriate.

336 (d) [~~Brand books and supplements shall be~~] The department shall make publications  
337 under this Subsection (4) available to the public at the cost of printing and distribution per  
338 [~~book or supplement~~] publication.

339 Section 10. Section **4-24-202** is amended to read:

340 **4-24-202. Recordation of brand.**

341 (1) (a) Application for a recorded brand [~~or mark~~] shall be made to the department  
342 upon forms prescribed and furnished by the department.

343 (b) The application shall contain [~~such~~] the information [~~as~~] the commissioner  
344 prescribes.

345 (c) [~~No~~] An application [~~shall~~] may not be approved without payment of the  
346 appropriate recording fee.

347 (d) Upon receipt of a proper application, payment of the recording fee, and recordation  
348 of the brand [~~or mark~~] in the central Brand [~~or Mark~~] Registry of the department, the  
349 commissioner shall issue the applicant a certified copy of recording that entitles the applicant  
350 to the exclusive use of the brand [~~or mark~~] recorded.

351 (2) (a) [~~Each~~] A recorded brand [~~or mark~~] filed with the central Brand [~~and Mark~~]  
352 Registry [~~shall expire~~] expires during the calendar year 1980, and during each fifth year  
353 thereafter.

354 (b) (i) The department shall give notice in writing to all persons who are owners of  
355 recorded brands [~~and marks~~] within a reasonable time [~~prior to~~] before the date of expiration of  
356 recordation.

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

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

361 (c) Brand [~~or mark~~] renewal is [~~effected~~] affected by filing an appropriate application  
362 with the department together with payment of the renewal fee.

363 (d) A recorded brand [~~or mark~~], not timely renewed, shall lapse and be removed from  
364 the central Brand [~~and Mark~~] Registry.

365 Section 11. Section **4-24-203** is amended to read:

366 **4-24-203. Fees for recordation, transfer, renewal, and certified copies of brands.**

367 (1) The department, with the approval of the Livestock Brand Board, shall charge and  
368 collect fees for the recordation, transfer, and renewal of ~~[any]~~ a brand ~~[or mark]~~ in each  
369 position, and may charge a fee for a certified copy of the recordation.

370 (2) The fees shall be determined by the department pursuant to Subsection 4-2-103(2).  
371 Section 12. Section ~~4-24-204~~ is amended to read:

372 **4-24-204. Effect of recorded brand -- Transfer -- Reservation of certain brands.**

373 (1) Except as provided in Subsection (2), the owner of a recorded brand ~~[or mark]~~ has a  
374 vested property right in the brand ~~[or mark]~~ that is transferable by a duly acknowledged  
375 instrument, provided that a transferee has no rights in the brand ~~[or mark]~~ until the instrument  
376 of transfer is recorded with the department.

377 (2) Notwithstanding any other provision of this chapter:

378 (a) no person other than a member of the Ute Indian Tribe has any vested property right  
379 in the brand "ID" which is reserved exclusively for use by members of the Ute Indian Tribe on  
380 the Uintah and Ouray Reservation; and

381 (b) no person other than a member of the Navajo Indian Tribe has any vested right in  
382 the brand "- N" (Bar N) which is reserved exclusively for use by members of the Navajo Indian  
383 Tribe on the Navajo Indian Reservation as long as it appears on the left shoulder of the animal  
384 branded.

385 (3) The left jaw of cattle is reserved exclusively for use by the department to identify  
386 diseased cattle.

387 Section 13. Section ~~4-24-205~~ is amended to read:

388 **4-24-205. Livestock on open range or outside enclosure to be branded -- Cattle**  
389 **upon transfer of ownership to be branded -- Exceptions.**

390 (1) (a) ~~[Except as provided in]~~ Subject to Subsections (1)(b) and (c), ~~[no]~~ livestock  
391 ~~[shall]~~ may not forage upon an open range in this state or outside an enclosure unless ~~[they~~  
392 ~~bear]~~ the livestock bears a brand ~~[or mark]~~ recorded in accordance with this chapter.

393 (b) Swine, goats, and unweaned calves or colts are not required to bear a brand ~~[or~~  
394 ~~mark]~~ to forage upon open range or outside an enclosure.

395 (c) Domesticated elk may not forage upon open range or outside an enclosure under  
396 any circumstances as provided in Chapter 39, Domesticated Elk Act.

397 (2) (a) Except as provided in Subsection (2)(b), ~~[all]~~ cattle, upon sale or other transfer

398 of ownership, shall be branded [~~or marked~~] with the recorded brand [~~or mark~~] of the new  
399 owner within 30 days after transfer of ownership.

400 (b) [~~No branding or marking~~] Branding, upon change of ownership, is not required  
401 within the 30-day period for:

402 (i) unweaned calves;

403 (ii) registered or certified cattle;

404 (iii) youth project calves, if the number transferred is less than five; or

405 (iv) dairy cattle held on farms.

406 Section 14. Section **4-24-303** is amended to read:

407 **4-24-303. Livestock -- Verification of ownership through brand inspection --**  
408 **Issuance of certificate of brand inspection -- Brand inspector may demand evidence of**  
409 **ownership -- Brand inspection of livestock seized by the federal government prohibited --**  
410 **Exception.**

411 (1) A brand inspector, as an agent of the department, shall verify livestock ownership  
412 by conducting a brand inspection during daylight hours.

413 (2) After conducting the brand inspection, the brand inspector, if satisfied that the  
414 livestock subject to inspection bears registered brands [~~or marks~~] owned by the owner of the  
415 livestock, shall issue a brand inspection certificate to the owner or owner's agent.

416 (3) The brand inspector shall record the number, sex, breed, and brand [~~or mark~~] on  
417 each animal inspected together with the owner's name.

418 (4) If any livestock subject to inspection bears a brand [~~or mark~~] other than that of the  
419 owner, or if no brand [~~or mark~~] appears on the livestock, the brand inspector may demand  
420 evidence of ownership before issuing a brand inspection certificate.

421 (5) A brand inspector may not issue a brand inspection certificate for [~~any~~] privately  
422 owned livestock seized by the federal government unless the:

423 (a) brand inspector receives consent from the livestock's owner;

424 (b) owner is unknown; or

425 (c) brand inspector receives a copy of a court order authorizing the seizure.

426 (6) Breed papers alone do not constitute proof of ownership, but may be considered as  
427 a factor in determining ownership.

428 Section 15. Section **4-24-305** is amended to read:

429 **4-24-305. Transportation by air or rail -- Brand inspection required --**

430 **Application for brand inspection -- Time and place of inspection.**

431 (1) Except as provided in Subsection (2), [~~no~~] a person may not offer, [~~or~~] and a  
432 railroad or airline company may not accept, [~~any~~] cattle, calves, horses, domesticated elk, or  
433 mules for transport until [~~they have~~] the animal has been brand inspected.

434 (2) Before cattle, calves, horses, domesticated elk, or mules are transported by rail or  
435 air, the shipper shall:

436 (a) request the department to inspect the brands [~~and marks~~] of the animals being  
437 transported; and

438 (b) specify the time and place where the animals may be inspected.

439 Section 16. Section **4-24-306** is amended to read:

440 **4-24-306. Movement across state line -- Brand inspection required -- Exception --**

441 **Request for brand inspection -- Time and place of inspection.**

442 (1) Except as provided in Subsection (2), a person may not drive or transport any cattle,  
443 calves, horses, domesticated elk, or mules from any place within this state to a place outside  
444 this state until [~~they have~~] the animal has been brand inspected.

445 (2) Subsection (1) does not apply if the animals specified in Subsection (1) customarily  
446 forage on an open range which transgresses the Utah state line and that of an adjoining state.

447 (3) The owner or person responsible for driving or transporting the animals shall  
448 request the department to inspect the brands [~~and marks~~] of the animals to be moved.

449 (4) The department shall conduct the inspection at the time and place determined by  
450 the department.

451 Section 17. Section **4-24-401** is amended to read:

452 **4-24-401. Hides and pelts -- Bill of sale to accompany purchase -- Purchaser to**  
453 **maintain records -- Hides and records examination and inspection.**

454 (1) (a) [~~Any~~] A person who buys a hide or pelt shall secure a bill of sale from the  
455 seller.

456 (b) The bill of sale shall be executed in duplicate with one copy being retained by the  
457 seller and the other by the buyer.

458 (c) The bill of sale shall specify the number of hides or pelts sold and the brand [~~or~~  
459 ~~mark~~] borne by each hide or pelt.

460 (2) (a) ~~[Each]~~ A hide buyer within this state shall maintain a record specifying the  
461 name and address of the seller, date of purchase, and the brands or other identification found on  
462 the hides and pelts purchased.

463 (b) The hides and records of any hide buyer are subject to examination and inspection  
464 by the department at reasonable times and places.

465 Section 18. Section ~~4-24-402~~ is amended to read:

466 **4-24-402. Livestock markets -- Records to be maintained -- Retention of records**  
467 **-- Schedule of fees and charges to be posted.**

468 (1) ~~[Each]~~ An owner or operator of a livestock market shall keep a record of:

469 (a) the date ~~[each]~~ a consignment of livestock is received for sale together with the  
470 number of each type of livestock within ~~[such]~~ the consignment;

471 (b) the name and address of ~~[each]~~ the buyer;

472 (c) the date of sale and the number and species of livestock purchased by ~~[each]~~ the  
473 buyer; and

474 (d) the description and brand ~~[or mark]~~ appearing on each animal at the time of sale to  
475 the buyer.

476 (2) ~~[The]~~ An owner or operator of a livestock market shall retain the records mandated  
477 by this section ~~[shall be retained]~~ for a period of two years from the date on which the livestock  
478 market sold the livestock.

479 (3) A schedule of ~~[all]~~ the fees and commission rates charged by the livestock market  
480 shall be posted in a conspicuous place on the premises of each market.

481 (4) A statement of the gross sales price, commission, and other fees charged for the  
482 sale of ~~[each]~~ a consignment shall be available for inspection by the department, and a copy  
483 furnished the owner or consignor of the livestock.

484 Section 19. Section ~~4-24-403~~ is amended to read:

485 **4-24-403. Websites promoting the sale of livestock.**

486 (1) A website, created and maintained within the state, that markets the sale of  
487 livestock shall have the following statement clearly visible on each web page that displays  
488 advertised livestock: "Legality of Sales and Purchase, Health Laws. If you sell or purchase  
489 livestock on this site, you shall comply with all applicable legal requirements governing the  
490 transfer and shipment of livestock, including Title 4, Chapter 24, Utah Livestock Brand and



491 Anti-Theft Act, and Title 4, Chapter 31, Control of Animal Disease. Please contact the Utah  
492 Department of Agriculture and Food at [~~801-538-7137~~] 801-982-2200 with any questions.".

493 (2) A person who violates this section [~~shall be~~] is subject to the penalties described in  
494 Section 4-24-506.

495 Section 20. Section ~~4-24-405~~ is amended to read:

496 **4-24-405. Travel permit in lieu of brand inspection certificate -- Fees.**

497 (1) The department may issue a permit upon the payment of a fee determined by the  
498 department pursuant to Subsection 4-2-103(2), in lieu of a certificate of brand inspection, for  
499 the transport of [~~any~~] a show horse, show mule, or show cattle transported from [~~any~~] a place  
500 within this state to a place outside the state.

501 (2) The words "travel permit" shall be stamped or printed on the permit.

502 (3) A permit:

503 (a) shall accompany [~~each~~] a show animal while the show animal is in transit and shall  
504 identify the show animal to which the permit applies by age, sex, color, brand, [~~mark,~~] and  
505 scars; and

506 (b) is valid for the calendar year of the date of issuance, which date shall appear on the  
507 permit.

508 Section 21. Section ~~4-24-502~~ is amended to read:

509 **4-24-502. Unlawful acts specified -- Allegation concerning evidence of ownership**  
510 **relative to hides.**

511 (1) It is unlawful for [~~any~~] a person to:

512 (a) permit [~~any~~] cattle, calves, horses, mules, or sheep, except unweaned calves or  
513 colts, that are not branded [~~or marked~~] in accordance with this chapter, to forage upon an open  
514 range in this state or outside an enclosure;

515 (b) brand [~~or mark any~~] livestock with a brand [~~or mark~~] that is not a matter of record  
516 on the central [~~brand and mark registry~~] Brand Registry;

517 (c) obliterate, change, or remove a recorded brand [~~or mark~~];

518 (d) destroy, mutilate, or conceal [~~any~~] a hide with intent to, or for the purpose of,  
519 removing evidence of ownership of the hide, or ownership of the animal from which the hide  
520 was removed;

521 (e) hold or ship an estray or livestock owned by another without notifying the owner, a

522 brand inspector, or law enforcement; or

523 (f) offer for sale an estray or the livestock owned by another.

524 (2) In ~~[any]~~ a prosecution for violation of this section:

525 (a) the state does not need to allege the ownership of the hide or the animal or carcass  
526 from which the hide was removed; and

527 (b) the complaint or information is sufficient if the complaint or information alleges  
528 that ownership is unknown and that the hide is not the property of the defendant.

529 Section 22. Section ~~4-24-504~~ is amended to read:

530 **4-24-504. Enforcement -- Brand inspector's powers delineated.**

531 (1) A brand inspector ~~[is empowered with]~~ has the authority of a special function  
532 officer for the purpose of enforcing this chapter and ~~[such an]~~ the brand inspector may, if  
533 proper, stop ~~[any]~~ a vehicle carrying livestock or livestock carcasses for the purpose of  
534 examining brands, ~~[marks,]~~ certificates of brand inspection, and bills of lading or bills of sale  
535 relating to the livestock in transit.

536 (2) (a) ~~[Brand inspectors]~~ A brand inspector may enter ~~[any]~~ premises where livestock  
537 are kept or maintained for the purpose of examining brands ~~[or marks]~~.

538 (b) If admittance is refused, the department may proceed immediately to obtain an ex  
539 parte warrant from the nearest court of competent jurisdiction to allow entry upon the premises  
540 for the purpose of examining brands ~~[or marks]~~ or other evidence of ownership.

541 Section 23. Section ~~4-31-115~~ is amended to read:

542 **4-31-115. Contagious or infectious disease, or any epidemic or poisoning -- Duties**  
543 **of department.**

544 (1) (a) The department shall investigate and may quarantine ~~[any]~~ a reported case of  
545 contagious or infectious disease, or any epidemic or poisoning, affecting a domestic animal or  
546 an animal that the department believes may jeopardize the health of animals within the state.

547 (b) The department shall make a prompt and thorough examination of ~~[at]~~ the  
548 circumstances surrounding the disease, epidemic, or poisoning and may order quarantine, care,  
549 or any necessary remedies.

550 (c) The department may also order immunization or testing and sanitary measures to  
551 prevent the spread of disease.

552 (d) An investigation involving fish or wildlife shall be conducted under a cooperative

553 agreement with the Division of Wildlife Resources.

554 (2) (a) If the owner or person in possession of [~~such~~] an animal with a contagious or  
555 infectious disease, epidemic, or poisoning, after written notice from the department, fails to  
556 take the action ordered, the commissioner [~~is authorized to~~] may seize and hold the animal and  
557 take action necessary to prevent the spread of disease, including immunization, testing,  
558 dipping, or spraying.

559 (b) An animal seized for testing or treatment under this section may be sold by the  
560 commissioner at public sale to reimburse the department for [~~all~~] the costs incurred in the  
561 seizure, testing, treatment, maintenance, and sale of the animal unless the owner, before the  
562 sale, tenders payment for the costs incurred by the department.

563 (c) (i) [~~No~~] The commissioner may not sell a seized animal [~~shall be sold~~] until the  
564 owner or person in possession of the animal is served with a notice specifying the itemized  
565 costs incurred by the department, the time, place, and purpose of sale, and the number of  
566 animals to be sold.

567 (ii) The notice shall be served at least three days in advance of sale in the manner:

568 (A) prescribed for personal service in Rule 4(d)(1), Utah Rules of Civil Procedure; or

569 (B) if the owner cannot be found after due diligence, prescribed for service by  
570 publication in Rule 4(d)(4), Utah Rules of Civil Procedure.

571 (3) (a) Any amount realized from the sale of the animal over the total charges shall be  
572 paid to the owner of the animal if the owner is known or can by reasonable diligence be found.

573 (b) If the owner is unknown and cannot be found by reasonable diligence, as described  
574 in Subsection (3)(a), the excess shall remain in the General Fund.

575 (c) If the total cost incurred is greater than the amount realized, the owner shall pay the  
576 difference.

577 Section 24. Section **4-31-116** is amended to read:

578 **4-31-116. Quarantine -- Authority of individuals to assist in maintenance of**  
579 **quarantine -- Charges.**

580 (1) The commissioner may quarantine [~~any~~] an infected domestic animal or area within  
581 the state to prevent the spread of infectious or contagious disease.

582 (2) The state veterinarian may:

583 (a) take any action the department warrants, in the department's sole discretion,

584 necessary to enforce the quarantine; and

585 (b) delegate an action described in Subsection (3)(a) to another department employee,  
586 as appropriate, to ensure the quarantine is being enforced.

587 ~~[(2)]~~ (3) A sheriff or other peace officer in the state shall, upon request of the  
588 commissioner, assist the department in maintaining a quarantine and arrest a person who  
589 violates the quarantine.

590 ~~[(3)]~~ (4) The department shall pay ~~[a]t~~ the costs and fees incurred by any law  
591 enforcement authority in assisting the department.

592 (5) The department may charge a person who violates a quarantine the costs to the  
593 department incurred in enforcing the quarantine of that person's animal and use that money to  
594 reimburse law enforcement or the state in expenditures related to the quarantine.

595 Section 25. Section **4-37-104** is amended to read:

596 **4-37-104. Department's responsibilities.**

597 (1) The department is responsible for enforcing laws and rules made by the Wildlife  
598 Board governing species of aquatic animals ~~[which]~~ that may be imported into the state or  
599 possessed or transported within the state that are applicable to aquaculture or fee fishing  
600 facilities ~~[and the promotion of the state's aquaculture industry].~~

601 (2) Subject to the policies and rules of the Fish Health Policy Board, the department  
602 shall:

603 (a) act to prevent the outbreak and act to control the spread of disease-causing  
604 pathogens among aquatic animals in aquaculture and fee fishing facilities; and

605 (b) act to prevent the spread of disease-causing pathogens from aquatic animals in, to  
606 be deposited in, or harvested from aquaculture or fee fishing facilities to wild aquatic animals,  
607 other animals, and humans.

608 Section 26. Section **4-37-204** is amended to read:

609 **4-37-204. Sale of aquatic animals from aquaculture facilities.**

610 (1) (a) Except as provided by Subsection ~~[(1)(b)]~~ (1)(c) and subject to Subsection  
611 (1)(b), a person holding a certificate of registration for an aquaculture facility may take an  
612 aquatic animal as approved on the certificate of registration from the facility at any time and  
613 offer the aquatic animal for sale~~[- however,].~~

614 (b) A live aquatic ~~[animals]~~ animal may be sold within Utah only to a person who:

615 (i) has been issued a certificate of registration to possess the aquatic animal; or  
 616 (ii) is eligible to receive the aquatic animal without a certificate of registration under  
 617 ~~[Division of Wildlife Resources]~~ Wildlife Board rules.

618 ~~[(b)]~~ (c) A person who owns or operates an aquaculture facility may ~~[stock a live fish~~  
 619 ~~in a private fish pond or at a short-term fishing event]~~ sell live aquatic animals if the person:

620 (i) obtains a health approval number for the aquaculture facility;  
 621 ~~[(ii) provides the buyer with a brochure published by the Division of Wildlife~~  
 622 ~~Resources that summarizes the statutes and rules related to a private fish pond or short-term~~  
 623 ~~fishing event and the possession of fish;]~~

624 ~~[(iii)]~~ (ii) inspects the pond or holding facility to verify that the pond or facility is in  
 625 compliance with Subsections [23-15-10\(2\)](#) and [\(3\)\(c\)](#); and

626 ~~[(iv)]~~ (iii) stocks the species~~[-strain;]~~ and reproductive capability of ~~[fish]~~ aquatic  
 627 animals authorized by the Wildlife Board in accordance with Section [23-15-10](#) for stocking in  
 628 the area where the pond or holding facility is located.

629 (2) An aquatic animal sold or transferred by the owner or operator of an aquaculture  
 630 facility shall be accompanied by the seller's receipt that contains the following information:

631 (a) date of transaction;  
 632 (b) name, address, certificate of registration number, and health approval number~~[-and~~  
 633 ~~signature of seller];~~

634 (c) number and weight of aquatic animal by:

635 (i) species; and  
 636 ~~[(ii) strain; and]~~

637 ~~[(iii)]~~ (ii) reproductive capability; and

638 (d) name and address of the receiver.

639 (3) (a) A person holding a certificate of registration for an aquaculture facility shall  
 640 submit to the department an annual report of each sale of live aquatic animals or each transfer  
 641 of live aquatic animals ~~[to:]~~ in Utah. The department shall forward the report to the Division of  
 642 Wildlife Resources. The department or Division of Wildlife Resources may request copies of  
 643 receipts from an aquaculture facility.

644 ~~[(i) another aquaculture facility; or]~~

645 ~~[(ii) a fee fishing facility.]~~

- 646 (b) The report shall contain the following information:  
647 (i) name, address, and certificate of registration number of the seller or supplier;  
648 (ii) number and weight [~~by species~~] of aquatic animals by species and reproductive  
649 capacity;  
650 (iii) date of sale or transfer; and  
651 (iv) name, address, phone number, and certificate of registration number of the  
652 receiver.

653 [~~(4) (a) A person who owns or operates an aquaculture facility shall submit to the~~  
654 ~~Division of Wildlife Resources an annual report of each sale or transfer of a live fish to a~~  
655 ~~private fish pond or short-term fishing event.]~~

656 [~~(b) The report shall contain:]~~

657 [~~(i) the name, address, and health approval number of the person;]~~

658 [~~(ii) the name, address, and phone number of the private fish pond's owner or~~  
659 ~~short-term fishing event's operator;]~~

660 [~~(iii) the number and weight of fish by:]~~

661 [~~(A) species;]~~

662 [~~(B) strain; and]~~

663 [~~(C) reproductive capability;]~~

664 [~~(iv) date of sale or transfer;]~~

665 [~~(v) the location of the private fish pond's or short-term fishing event's holding facility;~~  
666 ~~and]~~

667 [~~(vi) verification that the private fish pond or short-term fishing event's holding facility~~  
668 ~~was inspected and is in compliance with Subsections 23-15-10(2) and (3)(c).]~~

669 (4) Geographic coordinates of the stocking location shall be provided if the receiver is  
670 eligible to stock the aquatic animal without a certificate of registration under Wildlife Board  
671 rules.

672 (5) [~~The reports required by Subsections (3) and (4)] A report required by Subsection  
673 (3) shall be submitted before:~~

674 (a) a certificate of registration is renewed or a subsequent certificate of registration is  
675 issued [~~for an aquaculture facility in the state~~]; or

676 (b) a health approval number is issued [~~for an out-of-state source~~].

677 Section 27. Section 4-37-502 is amended to read:

678 **4-37-502. Inspections -- Health approval report -- Report for quarantine facility**  
679 **-- Qualifications of inspectors -- Notification of department.**

680 (1) ~~[(a) Except as provided by Subsection (1)(b), approval]~~ Approval shall be based  
681 upon inspections carried out in accordance with standards and rules of the Fish Health Policy  
682 Board made pursuant to Section 4-37-503.

683 ~~[(b) An owner or operator of an aquaculture facility that is under quarantine or whose~~  
684 ~~health approval has been canceled or denied prior to July 1, 2007 may seek health approval~~  
685 ~~without submitting or complying with a biosecurity plan required by rule by submitting a new~~  
686 ~~health inspection report to the department.]~~

687 ~~[(2)(a) The inspections shall be done by an individual who has received certification~~  
688 ~~from the American Fisheries Society as a fish health inspector.]~~

689 (2) (a) An inspection shall be conducted under the direction of an individual certified  
690 by the American Fisheries Society as an aquatic animal health inspector or fish pathologist. A  
691 sample may be collected by a federally accredited veterinarian, a state or federal animal health  
692 official, or an American Fisheries Society certified aquatic animal health inspector or fish  
693 pathologist.

694 (b) An inspection of an aquaculture facility may not be done by an inspector who is  
695 employed by, or has pecuniary interest in, the facility being inspected.

696 (c) The department shall post on its website a current list of:

697 (i) certified fish health inspectors; and

698 (ii) approved laboratories to which a fish health inspector may send the samples  
699 collected during the inspections required by this section.

700 (d) (i) If the fish health inspector conducting the inspection is not an employee of the  
701 department, the owner or operator of the aquaculture facility shall notify the department of the  
702 date and time of the inspection at least five business days before the date on which the  
703 inspection will occur.

704 (ii) The department may be present for the inspection.

705 (3) To receive a health approval number, inspection reports and other evidence of the  
706 disease status of a source facility shall be submitted to the agency responsible for certifying the  
707 source as health approved pursuant to Section 4-37-501.

708 Section 28. Section 4-37-503 is amended to read:

709 **4-37-503. Fish Health Policy Board.**

710 (1) There is created within the department the Fish Health Policy Board [~~which~~] that  
711 shall establish policies designed to prevent the outbreak of, control the spread of, and eradicate  
712 pathogens that cause disease in aquatic animals.

713 (2) The Fish Health Policy Board shall:

714 (a) in accordance with Subsection (6)(b), determine procedures and requirements for  
715 certifying a source of aquatic animals as health approved, including:

716 (i) the pathogens for which inspection is required to receive health approval;

717 (ii) the pathogens that may not be present to receive health approval; and

718 (iii) standards and procedures required for the inspection of aquatic animals;

719 (b) establish procedures for the timely reporting of the presence of a pathogen and  
720 disease threat;

721 (c) create policies and procedures for, and appoint, an emergency response team to:

722 (i) investigate a serious disease threat;

723 (ii) develop and monitor a plan of action; and

724 (iii) report to:

725 (A) the commissioner of agriculture and food;

726 (B) the director of the Division of Wildlife Resources; and

727 (C) the chair of the Fish Health Policy Board; and

728 (d) develop a unified statewide aquaculture disease control plan.

729 (3) The Fish Health Policy Board shall advise the commissioner of agriculture and  
730 food and the executive director of the Department of Natural Resources regarding:

731 (a) educational programs and information systems to educate and inform the public  
732 about practices that the public may employ to prevent the spread of disease; and

733 (b) communication and interaction between the department and the Division of  
734 Wildlife Resources regarding fish health policies and procedures.

735 (4) (a) (i) The governor shall appoint the following seven members to the Fish Health  
736 Policy Board:

737 (A) one member from names submitted by the Department of Natural Resources;

738 (B) one member from names submitted by the Department of Agriculture and Food;



739 (C) one member from names submitted by a nonprofit corporation that promotes sport  
740 fishing;

741 (D) one member from names submitted by a nonprofit corporation that promotes the  
742 aquaculture industry;

743 (E) one member from names submitted by the Department of Natural Resources and  
744 the Department of Agriculture and Food;

745 (F) one member from names submitted by a nonprofit corporation that promotes sport  
746 fishing; and

747 (G) one member from names submitted by a nonprofit corporation that promotes the  
748 aquaculture industry.

749 (ii) The members appointed under Subsections (4)(a)(i)(E) through (G) shall be:

750 (A) (I) faculty members of an institution of higher education; or

751 (II) qualified professionals; and

752 (B) have education and knowledge in:

753 (I) fish pathology;

754 (II) business;

755 (III) ecology; or

756 (IV) parasitology.

757 (iii) At least one member appointed under Subsections (4)(a)(i)(E) through (G) shall  
758 have education and knowledge about fish pathology.

759 (iv) (A) A nominating person shall submit at least three names to the governor.

760 (B) If the governor rejects all the names submitted for a member, the recommending  
761 person shall submit additional names.

762 (b) Except as required by Subsection (4)(c), the term of office of board members shall  
763 be four years.

764 (c) Notwithstanding the requirements of Subsection (4)(b), the governor shall, at the  
765 time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
766 board members are staggered so that approximately half of the board is appointed every two  
767 years.

768 (d) When a vacancy occurs in the membership for any reason, the replacement shall be  
769 appointed for the unexpired term.

770 (e) The board members shall elect a chair of the board from the board's membership.

771 (f) The board shall meet upon the call of the chair or a majority of the board members.

772 (g) An action of the board shall be adopted upon approval of the majority of voting  
773 members.

774 (5) A member may not receive compensation or benefits for the member's service, but  
775 may receive per diem and travel expenses in accordance with:

776 (a) Section [63A-3-106](#);

777 (b) Section [63A-3-107](#); and

778 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
779 [63A-3-107](#).

780 (6) (a) The board shall make rules consistent with its responsibilities and duties  
781 specified in this section.

782 (b) Except as provided by this chapter, [a] rules adopted by the Fish Health Policy  
783 Board shall be consistent with the suggested procedures for the detection and identification of  
784 pathogens published by the American Fisheries Society's Fish Health Section or the World  
785 Organisation for Animal Health, Manual for Diagnostic Tests for Aquatic Animals.

786 (c) (i) Rules of the department and Fish Health Policy Board pertaining to the control  
787 of disease shall remain in effect until the Fish Health Policy Board enacts rules to replace those  
788 provisions.

789 (ii) The Fish Health Policy Board shall promptly amend rules that are inconsistent with  
790 the current suggested procedures published by the American Fisheries Society or the World  
791 Organisation for Animal Health, Manual for Diagnostic Tests for Aquatic Animals.

792 (d) The Fish Health Policy Board may waive a requirement established by the Fish  
793 Health Policy Board's rules if:

794 (i) the rule specifies the waiver criteria and procedures; and

795 (ii) the waiver will not threaten other aquaculture facilities or wild aquatic animal  
796 populations.

797 Section 29. Section **4-39-108** is amended to read:

798 **4-39-108. Deposit of fees.**

799 The department shall deposit all fees collected under this chapter into the Utah  
800 Livestock Brand and Anti-Theft Account created in Section [~~4-24-502~~] [4-24-501](#).