

**Representative Joel Ferry** proposes the following substitute bill:

**DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel Ferry**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill makes changes related to the authority and administration of the Department of Agriculture and Food.

**Highlighted Provisions:**

This bill:

- ▶ clarifies the Department of Agriculture and Food's authority to award grants;
- ▶ allows the department to email certain registration renewal forms to a registrant unless the registrant requests to receive the forms by mail;
- ▶ authorizes the department to use the Agriculture Resource Development Fund to make loans through a disaster relief program;
- ▶ amends provisions related to the administration of the Utah Rural Rehabilitation Fund;
- ▶ clarifies where the department will send a notice of brand renewal;
- ▶ provides for an annual yearly brand inspection for rodeo stock;
- ▶ clarifies the acceptable use of the Plant Pest Fund for certain administrative expenses;
- ▶ changes the term "certificate of registration" to the term "license" throughout the Aquaculture Act;



26 ▶ amends provisions related to the use of the Agricultural Water Optimization

27 Account; and

28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **4-2-103**, as last amended by Laws of Utah 2018, Chapter 200

36 **4-14-103**, as renumbered and amended by Laws of Utah 2017, Chapter 345

37 **4-18-106**, as last amended by Laws of Utah 2019, Chapter 178

38 **4-18-108**, as last amended by Laws of Utah 2019, Chapter 178

39 **4-19-105**, as renumbered and amended by Laws of Utah 2017, Chapter 345

40 **4-24-202**, as last amended by Laws of Utah 2021, Chapter 295

41 **4-24-306**, as last amended by Laws of Utah 2021, Chapter 295

42 **4-24-308**, as last amended by Laws of Utah 2020, Chapter 311

43 **4-35-106**, as last amended by Laws of Utah 2020, Chapter 326

44 **4-37-109**, as last amended by Laws of Utah 2020, Chapter 154

45 **4-37-110**, as last amended by Laws of Utah 2010, Chapter 378

46 **4-37-111**, as last amended by Laws of Utah 2017, Chapter 412

47 **4-37-201**, as last amended by Laws of Utah 2017, Chapter 412

48 **4-37-202**, as last amended by Laws of Utah 2014, Chapter 189

49 **4-37-203**, as last amended by Laws of Utah 2017, Chapter 412

50 **4-37-204**, as last amended by Laws of Utah 2021, Chapter 295

51 **4-37-301**, as last amended by Laws of Utah 2017, Chapter 412

52 **4-37-302**, as last amended by Laws of Utah 2014, Chapter 189

53 **4-37-303**, as last amended by Laws of Utah 2010, Chapter 378

54 **4-37-305**, as last amended by Laws of Utah 2010, Chapter 378

55 **4-37-401**, as enacted by Laws of Utah 1994, Chapter 153

56 **4-37-601**, as enacted by Laws of Utah 1994, Chapter 153

57 4-37-602, as last amended by Laws of Utah 2010, Chapter 286

58 63I-1-273, as last amended by Laws of Utah 2021, Chapter 229

59 73-10g-204, as enacted by Laws of Utah 2018, Chapter 143



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

62 Section 1. Section 4-2-103 is amended to read:

63 **4-2-103. Functions, powers, and duties of department -- Fees for services --**

64 **Marketing orders -- Procedure -- Purchasing and auditing.**

65 (1) The department shall:

66 (a) inquire into and promote the interests and products of agriculture and allied  
67 industries;

68 (b) promote methods for increasing the production and facilitating the distribution of  
69 the agricultural products of the state;

70 (c) (i) inquire into the cause of contagious, infectious, and communicable diseases  
71 among livestock and the means for their prevention and cure; and

72 (ii) initiate, implement, and administer plans and programs to prevent the spread of  
73 diseases among livestock;

74 (d) encourage experiments designed to determine the best means and methods for the  
75 control of diseases among domestic and wild animals;

76 (e) issue marketing orders for any designated agricultural product to:

77 (i) promote orderly market conditions for any product;

78 (ii) give the producer a fair return on the producer's investment at the marketplace; and

79 (iii) only promote and not restrict or restrain the marketing of Utah agricultural  
80 commodities;

81 (f) administer and enforce all laws assigned to the department by the Legislature;

82 (g) establish standards and grades for agricultural products and fix and collect  
83 reasonable fees for services performed by the department in conjunction with the grading of  
84 agricultural products;

85 (h) establish operational standards for any establishment that manufactures, processes,  
86 produces, distributes, stores, sells, or offers for sale any agricultural product;

87 (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

88 rules necessary for the effective administration of the agricultural laws of the state;

89 (j) when necessary, make investigations, subpoena witnesses and records, conduct  
90 hearings, issue orders, and make recommendations concerning all matters related to  
91 agriculture;

92 (k) (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any  
93 private or public place that may become infested or infected with harmful insects, plant  
94 diseases, noxious or poisonous weeds, or other agricultural pests;

95 (ii) establish and enforce quarantines;

96 (iii) issue and enforce orders and rules for the control and eradication of pests,  
97 wherever they may exist within the state; and

98 (iv) perform other duties relating to plants and plant products considered advisable and  
99 not contrary to law;

100 (l) inspect apiaries for diseases inimical to bees and beekeeping;

101 (m) take charge of any agricultural exhibit within the state, if considered necessary by  
102 the department, and award premiums at that exhibit;

103 (n) assist the Conservation Commission in the administration of Title 4, Chapter 18,  
104 Conservation Commission Act, and administer and disburse any funds available to assist  
105 conservation districts in the state in the conservation of the state's soil and water resources;

106 (o) participate in the United States Department of Agriculture certified agricultural  
107 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;

108 (p) promote and support the multiple use of public lands;

109 (q) ensure that any training or certification required of a public official or public  
110 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter  
111 22, State Training and Certification Requirements, if the training or certification is required:

112 (i) under this title;

113 (ii) by the department; or

114 (iii) by an agency or division within the department; and

115 (r) perform any additional functions, powers, and duties provided by law.

116 (2) The department, by following the procedures and requirements of Section  
117 [63J-1-504](#), may adopt a schedule of fees assessed for services provided by the department.

118 (3) (a) No marketing order issued under Subsection (1)(e) shall take effect until:

119 (i) the department gives notice of the proposed order to the producers and handlers of  
120 the affected product;

121 (ii) the commissioner conducts a hearing on the proposed order; and

122 (iii) at least 50% of the registered producers and handlers of the affected products vote  
123 in favor of the proposed order.

124 (b) (i) The department may establish boards of control to administer marketing orders  
125 and the proceeds derived from any order.

126 (ii) A board of control shall:

127 (A) ensure that all proceeds are placed in an account in the board of control's name in a  
128 depository institution; and

129 (B) ensure that the account is annually audited by an accountant approved by the  
130 commissioner.

131 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be  
132 deposited into the General Fund as dedicated credits for the grain grading program.

133 (5) In fulfilling its duties in this chapter, the department may:

134 (a) purchase, as authorized or required by law, services that the department is  
135 responsible to provide for legally eligible persons;

136 (b) take necessary steps, including legal action, to recover money or the monetary value  
137 of services provided to a recipient who is not eligible;

138 (c) examine and audit the expenditures of any public funds provided to a local  
139 authority, agency, or organization that contracts with or receives funds from those authorities or  
140 agencies; [~~and~~]

141 (d) accept and administer grants from the federal government and from other sources,  
142 public or private[-]; and

143 (e) fund grants using money appropriated by the Legislature or money received from  
144 any other source.

145 Section 2. Section **4-14-103** is amended to read:

146 **4-14-103. Registration required for distribution -- Application -- Fees -- Renewal**  
147 **-- Local needs registration -- Distributor or applicator license -- Fees -- Renewal.**

148 (1) (a) A person that is not registered with the department may not distribute a  
149 pesticide in this state.

150 (b) Application for registration shall be made to the department upon forms prescribed  
151 and furnished by the department accompanied with an annual registration fee determined by the  
152 department pursuant to Subsection 4-2-103(2) for each pesticide registered.

153 (c) Upon receipt by the department of a proper application and payment of the  
154 appropriate fee, the commissioner shall issue a registration to the applicant allowing  
155 distribution of the registered pesticide in this state through June 30 of each year, subject to  
156 suspension or revocation for cause.

157 (d) (i) Each registration is renewable for a period of one year upon the payment of an  
158 annual registration renewal fee in an amount equal to the current applicable original  
159 registration fee.

160 (ii) Each renewal fee shall be paid on or before June 30 of each year.

161 (2) The application shall include the following information:

162 (a) the name and address of the applicant and the name and address of the person  
163 whose name will appear on the label, if other than the applicant's name;

164 (b) the name of the pesticide;

165 (c) a complete copy of the label that will appear on the pesticide; and

166 (d) any information prescribed by rule of the department considered necessary for the  
167 safe and effective use of the pesticide.

168 (3) (a) ~~[Forms]~~ Except as provided in Subsection (3)(b), forms for the renewal of  
169 registration shall be ~~[mailed]~~ emailed to registrants at least 30 days before ~~[their]~~ the day on  
170 which the registrant's registration expires.

171 (b) If a registrant requests to receive forms for the renewal of registration by mail, the  
172 department shall mail the forms to the registrant at least 30 days before the day on which the  
173 registrant's registration expires.

174 ~~[(b)]~~ (c) A registration in effect on June 30 for which a renewal application has been  
175 filed and the registration fee tendered shall continue in effect until the applicant is notified  
176 either that the registration is renewed or that the registration is suspended or revoked pursuant  
177 to Section 4-14-108.

178 (4) The department may, before approval of any registration, require the applicant to  
179 submit the complete formula of any pesticide, including active and inert ingredients, and may  
180 also, for any pesticide not registered according to 7 U.S.C. Sec. 136a or for any pesticide on

181 which restrictions are being considered, require a complete description of all tests and test  
182 results that support the claims made by the applicant or the manufacturer of the pesticide.

183 (5) A registrant who desires to register a pesticide to meet special local needs  
184 according to 7 U.S.C. Sec. 136v(c) shall, in addition to complying with Subsections (1) and  
185 (2), satisfy the department that:

- 186 (a) a special local need exists;
- 187 (b) the pesticide warrants the claims made for the pesticide;
- 188 (c) the pesticide, if used in accordance with commonly accepted practices, will not  
189 cause unreasonable adverse effects on the environment; and
- 190 (d) the proposed classification for use conforms with 7 U.S.C. Sec. 136a(d).

191 (6) A registration is not required for a pesticide distributed in this state pursuant to an  
192 experimental use permit issued by the EPA or under Section [4-14-105](#).

193 (7) A pesticide dealer may not distribute a restricted use pesticide in this state without a  
194 license.

195 (8) A person shall receive a license before applying:

- 196 (a) a restricted use pesticide; or
- 197 (b) a general use pesticide for hire or in exchange for compensation.

198 (9) (a) A license to engage in an activity listed in Subsection (7) or (8) may be obtained  
199 by:

- 200 (i) submitting an application on a form provided by the department;
- 201 (ii) showing evidence of competence in the pesticide profession, as established by rule,  
202 and complying with the rules adopted by the department under this chapter;
- 203 (iii) demonstrating good character;
- 204 (iv) having no outstanding infractions and owing no money to the department; and
- 205 (v) paying the license fee determined by the department according to Subsection  
206 [4-2-103](#)(2).

207 (b) A person may apply for a triennial license that expires on December 31 of the  
208 second calendar year after the calendar year in which the license is issued.

209 (c) Notwithstanding Section [63J-1-504](#), the department shall retain the fees as  
210 dedicated credits and may only use the fees to administer and enforce this title.

211 Section 3. Section [4-18-106](#) is amended to read:

212           **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**  
213 **money -- Advisory board.**

214           (1) As used in this section:

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

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

219           (ii) the governor declaring a state of emergency under Title 53, Chapter 2a, Part 2,  
220 Disaster Response and Recovery Act; or

221           (iii) the chief executive officer of a local government declaring a local emergency  
222 under Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

223           (b) "Local government" means the same as that term is defined in Section [53-2a-602](#).

224           ~~(1)~~ (2) There is created a revolving loan fund known as the Agriculture Resource  
225 Development Fund.

226           ~~(2)~~ (3) The Agriculture Resource Development Fund shall consist of:

227           (a) money appropriated to ~~it~~ the fund by the Legislature;

228           (b) sales and use tax receipts transferred to the fund in accordance with Section  
229 [59-12-103](#);

230           (c) money received for the repayment of loans made from the fund;

231           (d) money made available to the state for agriculture resource development from any  
232 source; and

233           (e) interest earned on the fund.

234           ~~(3)~~ (4) The commission ~~shall~~ may make loans from the Agriculture Resource  
235 Development Fund for ~~a~~ a:

236           (a) a rangeland improvement and management project;

237           (b) a watershed protection or flood prevention project;

238           (c) a soil and water conservation project;

239           (d) a program designed to promote energy efficient farming practices;

240           (e) an improvement program for agriculture product storage or program designed to  
241 protect a crop or animal resource;

242           (f) a hydroponic or aquaponic system; ~~or~~



- 243 (g) a project or program to improve water quality [or];
- 244 (h) a project to address other environmental issues[-]; or
- 245 (i) subject to Subsection (5), a disaster relief program designed to aid the sustainability
- 246 of agriculture during and immediately following a disaster.

247 (5) (a) Loans made through a disaster relief program described in Subsection (4)(i) may  
 248 not comprise more than 10% of the funds appropriated by the Legislature to the Agriculture  
 249 Resource Development Fund.

250 (b) Notwithstanding Subsection (5)(a), the department may use all money appropriated  
 251 to the Agriculture Resource Development Fund by the Legislature or another source, without  
 252 limitation, if the money is appropriated specifically for use in a disaster relief program.

253 (c) (i) Until December 31, 2024, the department is authorized to borrow up to  
 254 \$3,000,000 of General Fund appropriations from the Agricultural Water Optimization Account  
 255 created in Section 73-10g-204 to be used in making loans through a disaster relief program  
 256 described in Subsection (4)(i).

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

263 ~~[(4)]~~ (6) The commission may appoint an advisory board [that shall] to:

- 264 (a) oversee the award process for loans, as described in this section;
  - 265 (b) approve loans; and
  - 266 (c) recommend policies and procedures for the Agriculture Resource Development
- 267 Fund that are consistent with statute.

268 Section 4. Section 4-18-108 is amended to read:

269 **4-18-108. Grants for environmental improvement projects -- Criteria for award**  
 270 **-- Duties of commission.**

271 (1) The commission may make a grant from the Agriculture Resource Development  
 272 Fund, or from funds appropriated by the federal government, Legislature, or another entity, to  
 273 an eligible entity, as defined by the department by rule made in accordance with Title 63G,

274 Chapter 3, Utah Administrative Rulemaking Act, for:

275 ~~[(a) a purpose set forth under Subsection 4-18-106(3);]~~

276 ~~[(b) the development or implementation of a coordinated resource management plan~~  
277 ~~with a conservation district, as defined in Section 17D-3-102;]~~

278 ~~[(c)]~~ (a) control or eradication of noxious weeds and invasive plant species in  
279 cooperation and coordination with a local weed board;

280 ~~[(d)]~~ (b) the costs of plans or projects to improve manure management, control surface  
281 water runoff, or address other environmental issues on ~~[the]~~ a farm or ranch operation,  
282 including the costs of preparing or implementing a nutrient management plan; ~~[or]~~

283 ~~[(e)]~~ (c) the improvement of water quality ~~[or]~~;

284 (d) the development of watershed plans; or

285 (e) a program to address other environmental issues.

286 ~~[(2) The commission may make a grant for a purpose described in Subsection (1) from~~  
287 ~~money appropriated by the Legislature for the purpose of awarding a grant under this section.]~~

288 ~~[(3)]~~ (2) (a) In awarding a grant, the commission shall consider the following criteria:

289 (i) the ability of the grantee to pay for the costs of proposed plans or projects;

290 (ii) the availability of:

291 (A) matching funds provided by the grantee or another source; or

292 (B) material, labor, or other items of value provided in lieu of money by the grantee or  
293 another source; and

294 (iii) the benefits that accrue to the general public by the awarding of a grant.

295 (b) The commission may establish by rule additional criteria for the awarding of a  
296 grant.

297 ~~[(4)]~~ (3) The commission shall make rules in accordance with Title 63G, Chapter 3,  
298 Utah Administrative Rulemaking Act, to implement this section.

299 ~~[(5)]~~ (4) The commission may appoint an advisory board to:

300 (a) assist with the grant process;

301 (b) make recommendations to the commission regarding grants; and

302 (c) establish policies and procedures for awarding loans or grants ~~[from the~~  
303 ~~Agricultural Resource Development Fund]~~.

304 Section 5. Section 4-19-105 is amended to read:

305 **4-19-105. Utah Rural Rehabilitation Fund.**306 (1) The department shall deposit all income generated from the administration of the  
307 rural rehabilitation program in a separate fund known as the "Utah Rural Rehabilitation Fund."308 (2) The ~~[state treasurer]~~ Division of Finance shall maintain the Utah Rural  
309 Rehabilitation Fund and record all debits and credits made to the fund by the department.310 (3) The Office of the Treasurer shall deposit interest and other earnings derived from  
311 investment of money in the Utah Rural Rehabilitation Fund into the fund.312 Section 6. Section **4-24-202** is amended to read:313 **4-24-202. Recordation of brand.**314 (1) (a) Application for a recorded brand shall be made to the department upon forms  
315 prescribed and furnished by the department.316 (b) The application shall contain the ~~[information the commissioner prescribes.]~~  
317 following information:318 (i) the name of each applicant;319 (ii) a single designated address where the department will send a notice of brand  
320 renewal; and321 (iii) a description of the brand that is the subject of the application.322 (c) An application may not be approved without payment of the appropriate recording  
323 fee.324 (d) Upon receipt of a proper application, payment of the recording fee, and recordation  
325 of the brand in the central Brand Registry of the department, the commissioner shall issue the  
326 applicant a certified copy of recording that entitles the applicant to the exclusive use of the  
327 brand recorded.328 (2) (a) A recorded brand filed with the central Brand Registry expires during the  
329 calendar year 1980, and during each fifth year thereafter.330 (b) (i) The department shall ~~[give]~~ send notice in writing to ~~[all persons who are~~  
331 ~~owners of recorded brands]~~ the address designated under Subsection (1)(b)(ii) within a  
332 reasonable time before the date of expiration of recordation.333 (ii) The notice required by this Subsection (2)(b) may be provided by email or regular  
334 mail at the department's discretion.

335 (iii) The holder of a registered brand has an affirmative duty to inform the department

336 of a change to the contact information provided on the initial application for a recorded brand.

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

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

341 Section 7. Section **4-24-306** is amended to read:

342 **4-24-306. Movement across state line -- Brand inspection required -- Exception --**  
343 **Request for brand inspection -- Time and place of inspection.**

344 (1) Except as provided in Subsection (2), a person may not drive or transport any cattle,  
345 calves, horses, domesticated elk, or mules from any place within this state to a place outside  
346 this state until the animal has been brand inspected.

347 (2) Subsection (1) does not apply:

348 (a) if the animals specified in Subsection (1) customarily forage on an open range  
349 which transgresses the Utah state line and that of an adjoining state[-]; or

350 (b) to rodeo stock that have received a current yearly brand inspection.

351 (3) The owner or person responsible for driving or transporting the animals shall  
352 request the department to inspect the brands of the animals to be moved.

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

355 Section 8. Section **4-24-308** is amended to read:

356 **4-24-308. Brand inspection fees.**

357 (1) The department with the approval of the Livestock Brand Board may set and collect  
358 a fee for the:

359 (a) issuance of any certificate of brand inspection, including a yearly brand inspection  
360 of rodeo stock;

361 (b) verification of ownership at a custom exempt slaughter facility before slaughter for  
362 the owner's use;

363 (c) verification of ownership by a farm custom slaughter licensee before slaughter for  
364 the owner's use; or

365 (d) verification of ownership by a state or department employee at a meat  
366 establishment where there is no transfer of ownership.

367 (2) Brand inspection fees incurred for the inspection of such animals at a livestock  
368 market may be withheld by the market and paid from the proceeds derived from their sale.

369 (3) The fee shall be determined by the department pursuant to Subsection 4-2-103(2).

370 Section 9. Section 4-35-106 is amended to read:

371 **4-35-106. Plant Pest Fund.**

372 (1) There is created an expendable special revenue fund known as the "Plant Pest  
373 Fund."

374 (2) The fund is funded from:

375 (a) money the plant industry division within the department receives under this title;

376 (b) the landowner's and lessee's share of costs, if required by rule made by the  
377 department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

378 (c) appropriations from the Legislature;

379 (d) federal money deposited into the fund; and

380 (e) the interest and earnings on the fund.

381 (3) The department may only use money in the fund to fund survey, detection,  
382 eradication, or suppression efforts for plant pests with the exception designated in Subsection

383 (4).

384 (4) The department may annually use an amount not to exceed the lesser of the  
385 following [~~to carry out the department's duties under this chapter~~] for staff or administrative  
386 costs to carry out the department's duties under this chapter:

387 (a) 10% of the fund annually; or

388 (b) \$300,000.

389 (5) (a) The fund may not exceed \$10,000,000 of money deposited under Subsections  
390 (2)(a), (c), and (e).

391 (b) The Division of Finance shall transfer the money described in Subsection (5)(a) in  
392 excess of \$10,000,000 at the end of a fiscal year into the General Fund.

393 (6) Federal money deposited into the fund shall be accounted for separately.

394 (7) Fund money may be used as matching funds for participation in programs of the  
395 United States Department of Agriculture for survey, detection, eradication, or suppression  
396 efforts of plant pests.

397 Section 10. Section 4-37-109 is amended to read:

398 **4-37-109. Department to make rules.**

399 (1) The department shall make rules in accordance with Title 63G, Chapter 3, Utah  
400 Administrative Rulemaking Act:

401 (a) specifying procedures for the application and renewal of [~~certificates of~~  
402 ~~registration~~] licenses for operating an aquaculture or fee fishing facility; and

403 (b) governing the disposal or removal of aquatic animals from an aquaculture or fee  
404 fishing facility for which the [~~certificate of registration~~] license has lapsed or been revoked.

405 (2) (a) The department may make other rules consistent with its responsibilities set  
406 forth in Section 4-37-104.

407 (b) Except as provided by this chapter, the rules authorized by Subsection (2)(a) shall  
408 be consistent with the suggested procedures for the detection and identification of pathogens  
409 published by the American Fisheries Society's Fish Health Section.

410 Section 11. Section 4-37-110 is amended to read:

411 **4-37-110. Inspection of records and facilities.**

412 (1) The following records and information shall be maintained by an aquaculture or fee  
413 fishing facility for a period of two years and shall be available for inspection by a department  
414 representative during reasonable hours:

415 (a) records of purchase, acquisition, distribution, and production histories of aquatic  
416 animals;

417 (b) [~~certificate of registration~~] a license; and

418 (c) valid identification of stocks, including origin of stocks.

419 (2) Department representatives may conduct pathological, fish culture, or physical  
420 investigations at any aquaculture, public aquaculture, or fee fishing facility during reasonable  
421 hours.

422 Section 12. Section 4-37-111 is amended to read:

423 **4-37-111. Prohibited sites.**

424 (1) Except as provided in Subsection (2), an aquaculture facility or a fee fishing facility  
425 may not be developed on:

426 (a) a natural lake;

427 (b) a natural flowing stream; or

428 (c) a reservoir constructed on a natural stream channel.

429 (2) The Division of Wildlife Resources may authorize an aquaculture facility, public  
430 aquaculture facility, or fee fishing facility on a natural lake or reservoir constructed on a natural  
431 stream channel upon inspecting and determining:

432 (a) the facility and inlet source of the facility neither contain wild game fish nor are  
433 likely to support such species in the future;

434 (b) the facility and the facility's intended use will not jeopardize conservation of  
435 aquatic wildlife or lead to the privatization or commercialization of aquatic wildlife;

436 (c) the facility is properly screened as provided in Subsection 23-15-10(3)(c) and  
437 otherwise in compliance with the requirements of this title, rules of the Wildlife Board, and  
438 applicable law; and

439 (d) the facility is not vulnerable to flood or high water events capable of compromising  
440 the facility's inlet or outlet screens and allowing escapement of privately owned fish into waters  
441 of the state.

442 (3) Any authorization issued by the Division of Wildlife Resources under Subsection  
443 (2) shall be in the form of a certificate of registration.

444 Section 13. Section 4-37-201 is amended to read:

445 **4-37-201. License required to operate an aquaculture facility.**

446 (1) A person may not operate an aquaculture facility without first obtaining a  
447 ~~[certificate of registration]~~ license from the department.

448 (2) (a) Each application for a ~~[certificate of registration]~~ license to operate an  
449 aquaculture facility shall be accompanied by a fee.

450 (b) The fee shall be established by the department in accordance with Section  
451 63J-1-504.

452 (3) The department shall coordinate with the Division of Wildlife Resources:

453 (a) on the suitability of the proposed site relative to potential impacts on adjacent wild  
454 aquatic animal populations; and

455 (b) in determining which species the holder of the ~~[certificate of registration]~~ license  
456 may propagate, possess, transport, or sell.

457 (4) The department shall list on the ~~[certificate of registration]~~ license the species  
458 which the holder may propagate, possess, transport, or sell.

459 Section 14. Section 4-37-202 is amended to read:

460 **4-37-202. Acquisition of aquatic animals for use in aquaculture facilities.**

461 (1) Live aquatic animals intended for use in aquaculture facilities may be purchased or  
462 acquired only from:

463 (a) aquaculture facilities within the state that have a [~~certificate of registration~~] license  
464 and health approval number;

465 (b) public aquaculture facilities within the state that have a health approval number; or

466 (c) sources outside the state that are health approved as provided in Part 5, Health  
467 Approval.

468 (2) A person holding a [~~certificate of registration~~] license for an aquaculture facility  
469 shall submit annually to the department a record of each purchase of live aquatic animals and  
470 transfer of live aquatic animals into the facility. This record shall include the following  
471 information:

472 (a) name, address, and health approval number of the source;

473 (b) date of transaction; and

474 (c) number and weight by species.

475 (3) The records required by Subsection (2) shall be submitted to the department before  
476 a [~~certificate of registration~~] license is renewed or a subsequent [~~certificate of registration~~]  
477 license is issued.

478 Section 15. Section **4-37-203** is amended to read:

479 **4-37-203. Transportation of aquatic animals to or from aquaculture facilities.**

480 (1) Any person holding a [~~certificate of registration~~] license for an aquaculture facility  
481 may transport the live aquatic animals specified on the [~~certificate of registration~~] license to the  
482 facility or to any person who has been issued a [~~certificate of registration~~] license or who is  
483 otherwise authorized by law to possess those aquatic animals.

484 (2) Each transfer or shipment of live aquatic animals from or to an aquaculture facility  
485 within the state shall be accompanied by documentation of the source and destination of the  
486 fish, including:

487 (a) name, address, [~~certificate of registration~~] license number, and health approval  
488 number of the source;

489 (b) number and weight being shipped, by species;

490 (c) name of the recipient;



- 491 (d) address of the destination; and
- 492 (e) (i) [~~certificate of registration~~] license number of the receiving facility; or
- 493 (ii) location of the private fish pond or short-term fishing event when authorized to
- 494 receive the aquatic animal without a certificate of registration under Division of Wildlife
- 495 Resources rules.

496 Section 16. Section ~~4-37-204~~ is amended to read:

497 **4-37-204. Sale of aquatic animals from aquaculture facilities.**

498 (1) (a) Except as provided by Subsection (1)(c) and subject to Subsection (1)(b), a

499 person holding a [~~certificate of registration~~] license for an aquaculture facility may take an

500 aquatic animal as approved on the [~~certificate of registration~~] license from the facility at any

501 time and offer the aquatic animal for sale.

502 (b) A live aquatic animal may be sold within Utah only to a person who:

503 (i) has been issued a [~~certificate of registration~~] license to possess the aquatic animal;

504 or

505 (ii) is eligible to receive the aquatic animal without a certificate of registration under

506 Wildlife Board rules.

507 (c) A person who owns or operates an aquaculture facility may sell live aquatic animals

508 if the person:

509 (i) obtains a health approval number for the aquaculture facility;

510 (ii) inspects the pond or holding facility to verify that the pond or facility is in

511 compliance with Subsections [23-15-10\(2\)](#) and [\(3\)\(c\)](#); and

512 (iii) stocks the species and reproductive capability of aquatic animals authorized by the

513 Wildlife Board in accordance with Section [23-15-10](#) for stocking in the area where the pond or

514 holding facility is located.

515 (2) An aquatic animal sold or transferred by the owner or operator of an aquaculture

516 facility shall be accompanied by the seller's receipt that contains the following information:

517 (a) date of transaction;

518 (b) name, address, [~~certificate of registration~~] license number, and health approval

519 number;

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

521 (i) species; and

522 (ii) reproductive capability; and

523 (d) name and address of the receiver.

524 (3) (a) A person holding a [~~certificate of registration~~] license for an aquaculture facility  
525 shall submit to the department an annual report of each sale of live aquatic animals or each  
526 transfer of live aquatic animals in Utah. The department shall forward the report to the Division  
527 of Wildlife Resources. The department or Division of Wildlife Resources may request copies  
528 of receipts from an aquaculture facility.

529 (b) The report shall contain the following information:

530 (i) name, address, and [~~certificate of registration~~] license number of the seller or  
531 supplier;

532 (ii) number and weight of aquatic animals by species and reproductive capacity;

533 (iii) date of sale or transfer; and

534 (iv) name, address, phone number, and [~~certificate of registration~~] license number of  
535 the receiver.

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

539 (5) A report required by Subsection (3) shall be submitted before:

540 (a) a [~~certificate of registration~~] license is renewed or a subsequent [~~certificate of~~  
541 ~~registration~~] license is issued; or

542 (b) a health approval number is issued.

543 Section 17. Section **4-37-301** is amended to read:

544 **4-37-301. License required to operate a fee fishing facility.**

545 (1) A person may not operate a fee fishing facility without first obtaining a [~~certificate~~  
546 ~~of registration~~] license from the department.

547 (2) (a) Each application for a [~~certificate of registration~~] license to operate a fee fishing  
548 facility shall be accompanied by a fee.

549 (b) The fee shall be established by the department in accordance with Section  
550 [63J-1-504](#).

551 (3) The department shall coordinate with the Division of Wildlife Resources:

552 (a) on the suitability of the proposed site relative to potential impacts on adjacent wild

553 aquatic animal populations; and

554 (b) in determining which species the holder of the [~~certificate of registration~~] license  
555 may possess or transport to or stock into the facility.

556 (4) The department shall list on the [~~certificate of registration~~] license the species  
557 which the holder may possess or transport to or stock into the facility.

558 (5) A person holding a [~~certificate of registration~~] license for an aquaculture facility  
559 may also operate a fee fishing facility without obtaining an additional [~~certificate of~~  
560 ~~registration~~] license, if the fee fishing facility:

561 (a) is in a body of water meeting the criteria of Section 4-37-111 which is connected  
562 with the aquaculture facility;

563 (b) contains only those aquatic animals specified on the [~~certificate of registration~~]  
564 license for the aquaculture facility; and

565 (c) is designated on the [~~certificate of registration~~] license for the aquaculture facility.  
566 Section 18. Section 4-37-302 is amended to read:

567 **4-37-302. Acquisition of aquatic animals for use in fee fishing facilities.**

568 (1) Live aquatic animals intended for use in fee fishing facilities may be purchased or  
569 acquired only from:

570 (a) aquaculture facilities within the state that have a [~~certificate of registration~~] license  
571 and health approval number;

572 (b) public aquaculture facilities within the state that have a health approval number; or

573 (c) sources outside the state that are health approved pursuant to Part 5, Health  
574 Approval.

575 (2) (a) A person holding a [~~certificate of registration~~] license for a fee fishing facility  
576 shall submit to the department an annual report of all live fish purchased or acquired.

577 (b) The report shall contain the following information:

578 (i) name, address, and [~~certificate of registration~~] license number of the seller or  
579 supplier;

580 (ii) number and weight by species;

581 (iii) date of purchase or transfer; and

582 (iv) name, address, and [~~certificate of registration~~] license number of the receiver.

583 (c) The report shall be submitted to the department before a [~~certificate of registration~~]

584 license is renewed or a subsequent [~~certificate of registration~~] license is issued.

585 Section 19. Section **4-37-303** is amended to read:

586 **4-37-303. Transportation of live aquatic animals to fee fishing facilities.**

587 (1) Any person holding a [~~certificate of registration~~] license for a fee fishing facility  
588 may transport the live aquatic animals specified on the [~~certificate of registration~~] license to the  
589 facility.

590 (2) Each transfer or shipment of live aquatic animals to a fee fishing facility within the  
591 state shall be accompanied by documentation of the source and destination of the fish,  
592 including:

593 (a) name, address, [~~certificate of registration~~] license number, and health approval  
594 number of the source;

595 (b) number and weight being shipped by species; and

596 (c) name, address, and [~~certificate of registration~~] license number of the destination.

597 Section 20. Section **4-37-305** is amended to read:

598 **4-37-305. Fishing license not required to fish at fee fishing facilities --**

599 **Transportation of dead fish.**

600 (1) A fishing license is not required to take fish from fee fishing facilities.

601 (2) To transport dead fish from fee fishing facilities the fish shall be accompanied by  
602 the seller's receipt containing the following information:

603 (a) species and number of fish;

604 (b) date caught;

605 (c) [~~certificate of registration~~] license number of the fee fishing facility; and

606 (d) name, address, and telephone number of the seller.

607 Section 21. Section **4-37-401** is amended to read:

608 **4-37-401. License required to import aquatic animals for aquaculture or fee**  
609 **fishing facilities.**

610 (1) A person may not import aquatic animals classified as controlled species by rules of  
611 the Wildlife Board into the state for use in aquaculture or fee fishing facilities without first  
612 obtaining a [~~certificate of registration~~] license from the department.

613 (2) The department shall:

614 (a) coordinate with the Division of Wildlife Resources in determining which species

615 the holder may import into the state; and

616 (b) specify those species on the [~~certificate of registration~~] license.

617 (3) A person may not import species into the state that are not listed on the [~~certificate~~  
618 ~~of registration~~] license.

619 Section 22. Section **4-37-601** is amended to read:

620 **4-37-601. Enforcement and penalties.**

621 (1) Any violation of this chapter is a class B misdemeanor and may be grounds for  
622 revocation of the [~~certificate of registration~~] license or denial of any future [~~certificate of~~  
623 ~~registration~~] license as determined by the department.

624 (2) A violation of any rule made under this chapter may be grounds for revocation of  
625 the [~~certificate of registration~~] license or denial for future [~~certificate of registration~~] license as  
626 determined by the department.

627 Section 23. Section **4-37-602** is amended to read:

628 **4-37-602. Adjudicative proceedings -- Presiding officer.**

629 (1) Adjudicative proceedings under this chapter shall be conducted in accordance with  
630 Title 63G, Chapter 4, Administrative Procedures Act.

631 (2) The revocation of an aquaculture facility's [~~certificate of registration~~] license, the  
632 denial of an aquaculture facility's future [~~certificate of registration~~] license, and a denial or  
633 cancellation of an aquaculture facility's health approval number is a state agency action  
634 governed by Title 63G, Chapter 4, Administrative Procedures Act.

635 (3) (a) An owner or operator of an aquaculture facility may ask for an agency review,  
636 as provided by Section [63G-4-301](#), of an agency action specified in Subsection (2).

637 (b) The presiding officer, as defined in Section [63G-4-103](#), conducting the agency  
638 review shall consist of three members as follows:

639 (i) the person representing sport fishermen, appointed under Subsection  
640 [4-37-503\(4\)\(a\)\(i\)\(C\)](#);

641 (ii) one person representing the aquaculture industry, appointed by the governor from  
642 names submitted by a nonprofit corporation, as defined in Section [16-6a-102](#), that promotes the  
643 efficient production, distribution, and marketing of aquaculture products and the welfare of all  
644 persons engaged in aquaculture; and

645 (iii) one person, appointed by the governor, who is knowledgeable about aquatic

646 diseases and is employed by an institution of higher education.

647 (c) If the governor rejects all the names submitted under Subsection (3)(b)(ii), the  
648 recommending nonprofit corporation shall submit additional names.

649 (d) The final decision of the presiding officer shall be adopted upon approval of at least  
650 two of the members.

651 (e) The term for the member listed in Subsection (3)(b)(i) shall be the same as provided  
652 in Section 4-37-503.

653 (f) The term for the members appointed under Subsections (3)(b)(ii) and (iii) shall be  
654 four years.

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

657 (a) Section 63A-3-106;

658 (b) Section 63A-3-107; and

659 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
660 63A-3-107.

661 Section 24. Section 63I-1-273 is amended to read:

662 **63I-1-273. Repeal dates, Title 73.**

663 (1) Title 73, Chapter 27, Legislative Water Development Commission, is repealed  
664 January 1, 2031.

665 (2) In relation to Title 73, Chapter 10g, Part 2, Agricultural Water Optimization, [is  
666 repealed July 1, 2025.] on July 1, 2025:

667 (a) Section 73-10g-202 is repealed; and

668 (b) Section 73-10g-203 is repealed.

669 (3) Section 73-18-3.5, which creates the Boating Advisory Council, is repealed July 1,  
670 2024.

671 (4) Title 73, Chapter 30, Great Salt Lake Advisory Council Act, is repealed July 1,  
672 2027.

673 (5) In relation to Title 73, Chapter 31, Water Banking Act, on December 31, 2030:

674 (a) Subsection 73-1-4(2)(e)(xi) is repealed;

675 (b) Subsection 73-10-4(1)(h) is repealed; and

676 (c) Title 73, Chapter 31, Water Banking Act, is repealed.

677 Section 25. Section **73-10g-204** is amended to read:

678 **73-10g-204. Agricultural Water Optimization Account.**

679 (1) As used in this section:

680 (a) "Account" means the Agricultural Water Optimization Account created in

681 Subsection (2).

682 (b) "Agricultural water optimization" means the implementation of agricultural and  
683 water management practices that maintain or increase viable agriculture while minimizing  
684 negative impacts on water supply, water quality, and the environment.

685 (c) "Department" means the Department of Agriculture and Food.

686 (2) There is created a restricted account within the General Fund called the Agricultural  
687 Water Optimization Account.

688 ~~[(2)]~~ (3) The ~~[Agricultural Water Optimization Account]~~ account consists of:

689 (a) appropriations from the Legislature ~~[and]~~;

690 (b) federal funds; and

691 (c) grants or donations from other public or private sources.

692 ~~[(3) The task force created in Section 73-10g-202 may, subject to appropriation,~~  
693 ~~expend money in the Agricultural Water Optimization Account to fulfill the duties of Section~~  
694 ~~73-10g-203.]~~

695 (4) Subject to appropriation, the department may use money in the account to issue  
696 grants to improve agricultural water optimization.

697 (5) Until December 31, 2024, the department may loan up to \$3,000,000 of General  
698 Fund money in the account to the Agriculture Resource Development Fund, subject to the  
699 conditions described in Section 4-18-106.

700 (6) (a) The department shall maintain the Agriculture Water Optimization Account and  
701 record all debits and credits made to the account by the department.

702 (b) The Office of the Treasurer shall deposit interest and other earnings derived from  
703 investment of money in the Agriculture Water Optimization Account into the account.

704 Section 26. **Effective date.**

705 If approved by two-thirds of all the members elected to each house, this bill takes effect  
706 upon approval by the governor, or the day following the constitutional time limit of Utah  
707 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

708 the date of veto override.