

Effective 7/1/2018

**Part 1
Organization**

4-21-101 Title.

This chapter is known as "Beef Promotion."

Enacted by Chapter 393, 2018 General Session

4-21-102 Definitions.

As used in this chapter:

- (1) "Council" means the Utah Beef Council created in Section 4-21-103.
- (2) "Department" means the Utah Department of Agriculture and Food created in Section 4-2-102.
- (3) "Marketing agency" means a person who acts as an agent of the seller in the sale of cattle in that the person issues payment to the seller and is entitled to a commission based upon the sale.
- (4) "Producer" means a person who owns and raises or owns and feeds cattle.
- (5) "Purchaser" means a person who buys cattle.
- (6) "Seller" means a person who offers cattle for sale.

Renumbered and Amended by Chapter 393, 2018 General Session

4-21-103 Utah Beef Council created -- Composition -- Nomination and selection of appointed members -- Terms of appointed members -- Qualifications for nomination.

- (1) There is created an independent state agency known as the Utah Beef Council.
- (2) The Utah Beef Council consists of 10 members as follows:
 - (a) the commissioner of the Utah Department of Agriculture and Food, or the commissioner's designee;
 - (b) the president of the Utah Cattlemen's Association;
 - (c) the vice president of the Utah Cattlemen's Association;
 - (d) a member of the Utah Cattlemen's Association board of directors, chosen by the Utah Cattlemen's Association;
 - (e) the appointee from Utah on the national beef checkoff Cattlemen's Beef Promotion and Research Board, appointed by the United States Secretary of Agriculture;
 - (f) the president of the Utah Cattlewomen's Association;
 - (g) a member of the Utah Dairy Commission, chosen by the Utah Dairy Commission; and
 - (h) three at-large producers from the state of Utah, appointed as described in Subsection (4).
- (3) In addition to the members listed in Subsection (2), the council may appoint nonvoting members.
- (4)
 - (a) At-large candidates for appointment to the council shall be nominated by a formal written request signed by two or more producers and submitted to the council no later than October 1.
 - (b) A membership committee, consisting of the commissioner or the commissioner's designee, the council member representing the Utah Dairy Commission, and the president of the Utah Cattlemen's Association shall:

- (i) select candidates for appointment to the council from the nominees submitted by producers; and
 - (ii) present the candidates to the governor for review and appointment on or before December 1.
- (5)
- (a) The governor shall appoint the at-large members to three-year terms beginning on January 1 of the year following appointment to the council.
 - (b) Notwithstanding the requirements of Subsection (5)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of at-large members are staggered so that one at-large member is appointed each year.
- (6) Each at-large member shall be:
- (a) a citizen of the United States;
 - (b) 18 years of age or older;
 - (c) an active producer; and
 - (d) a resident of Utah.

Enacted by Chapter 393, 2018 General Session

4-21-104 Council -- Organization -- Quorum to transact business -- Removal for cause -- Vacancies -- Ineligibility to serve -- Compensation.

- (1)
- (a) The council members shall elect a chair, vice chair, and secretary annually from the voting members of the council.
 - (b) At least two of the members elected pursuant to Subsection (1)(a) shall be members listed in Subsection 4-21-103(2)(a), (e), or (h).
- (2)
- (a) A majority of voting members shall constitute a quorum.
 - (b) A majority vote of the quorum is necessary for the council to act.
- (3) The council shall meet:
- (a) at the time and place designated by the chair; and
 - (b) no less than once every three months.
- (4) The commissioner, or the commissioner's designee, may, in consultation with the other members of the membership committee, remove a member for cause.
- (5) Vacancies that occur on the council for any reason shall be filled by appointment for the unexpired term of the vacated member.
- (6) If an at-large member ceases to act as a producer during the member's term, the member shall resign from the council within 30 days after ceasing production.
- (7) Subject to Subsection (8), a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (8) A nonvoting member may not receive compensation or benefits for the member's service and may not receive per diem or travel expenses.

Enacted by Chapter 393, 2018 General Session

4-21-105 Council powers, duties, and functions -- Reporting requirements.

- (1) The council has the following powers, duties, and functions:
 - (a) hire and fix the salary of an administrator and staff, who may not be members of the council, to administer the policies adopted and perform the duties assigned by the council;
 - (b) promote the beef industry of the state;
 - (c) encourage local, national, and international use of Utah beef, through advertising or otherwise;
 - (d) investigate and participate in studies of problems unique to Utah producers;
 - (e) take actions consistent with this chapter to promote, protect, and stabilize the state's beef industry;
 - (f) enter into contracts and incur indebtedness in furtherance of the council's business activities;
 - (g) cooperate with local, state, or national organizations engaged in activities similar to those of the council;
 - (h) accept grants, donations, or gifts for use consistent with this chapter; and
 - (i) do other things necessary for the efficient and effective management and operation of the council's business.
- (2) The council shall:
 - (a) submit the council's proposed budget and an end-of-year audited financial statement to the department and the Office of the State Auditor within 180 days of the end of each fiscal year;
 - (b) provide the department, on an annual basis, with a detailed outline of the council's plans for future publications and messaging; and
 - (c) report, by October 1 of each year, to the Retirement and Independent Entities Interim Committee on the operations and activities of the council.

Enacted by Chapter 393, 2018 General Session

4-21-106 Exemption from certain operational requirements.

- (1) The council is exempt from:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 63A, Utah Government Operations Code;
 - (c) Title 63G, Chapter 6a, Utah Procurement Code, but the council shall adopt procedures to ensure that the council makes purchases:
 - (i) in a manner that provides for fair competition between providers; and
 - (ii) at competitive prices;
 - (d) Title 63J, Chapter 1, Budgetary Procedures Act; and
 - (e) Title 63A, Chapter 17, Utah State Personnel Management Act.
- (2) The council is subject to:
 - (a) Title 51, Chapter 7, State Money Management Act;
 - (b) Title 52, Chapter 4, Open and Public Meetings Act;
 - (c) Section 67-3-12;
 - (d) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (e) other Utah Code provisions not specifically exempted under Subsection 4-21-106(1); and
 - (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor pursuant to Section 36-12-15.

Amended by Chapter 84, 2021 General Session

Amended by Chapter 345, 2021 General Session

4-21-107 Council may require surety bond -- Payment of premium.

- (1) The council may require the administrator or a council employee to post a surety bond conditioned for the faithful performance of the council's official duties.
- (2) The amount and type of bond shall be fixed by the council and each bond premium shall be paid by the council.

Enacted by Chapter 393, 2018 General Session