

**AGRICULTURE ACT AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Evan L. Olsen**

AN ACT RELATING TO THE UTAH AGRICULTURAL CODE; DEFINING DIETARY SUPPLEMENT; EXPANDING THE MEMBERSHIP OF THE AGRICULTURAL ADVISORY BOARD TO INCLUDE A REPRESENTATIVE OF MANUFACTURERS OF DIETARY SUPPLEMENTS; AND DIRECTING THE COMMISSIONER OF AGRICULTURE AND FOOD TO APPOINT THE MEMBERS OF THE AGRICULTURAL ADVISORY BOARD.

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

AMENDS:

**4-1-8**, as last amended by Chapters 82 and 302, Laws of Utah 1997

**4-2-7**, as last amended by Chapter 243, Laws of Utah 1996

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

Section 1. Section **4-1-8** is amended to read:

**4-1-8. General definitions.**

Subject to additional definitions contained in the chapters of this title which are applicable to specific chapters, as used in this title:

(1) "Agriculture" means the science and art of the production of plants and animals useful to man including the preparation of plants and animals for human use and disposal by marketing or otherwise.

(2) "Agricultural product" or "product of agriculture" means any product which is derived from agriculture, including any product derived from aquaculture as defined in Section 4-37-103.

(3) "Commissioner" means the commissioner of agriculture and food.

(4) "Department" means the Department of Agriculture and Food created under Title 4, Chapter 2.

(5) "Dietary supplement" has the meaning defined in the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq.

~~(5)~~ (6) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry,

domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.

~~[(6)]~~ (7) "Organization" means a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

~~[(7)]~~ (8) "Person" means a natural person or individual, corporation, organization, or other legal entity.

Section 2. Section **4-2-7** is amended to read:

**4-2-7. Agricultural Advisory Board created -- Composition -- Responsibility -- Terms of office -- Compensation.**

(1) There is created ~~[an]~~ the Agricultural Advisory Board composed of ~~[11]~~ 12 members representing each of the following:

- (a) Utah Farm Bureau Federation;
- (b) Utah Farmers Union;
- (c) Utah Cattlemen's Association;
- (d) Utah Wool Growers' Association;
- (e) Utah Dairymen's Association;
- (f) Utah Veterinary Medical Association;
- (g) Livestock Auction Marketing Association;
- (h) Utah Association of Conservation Districts;
- (i) the Utah horse industry;
- (j) the food processing industry; ~~[and]~~
- (k) manufacturers of food supplements; and
- ~~[(k)]~~ (l) a consumer affairs group.

(2) The Agricultural Advisory Board shall advise the commissioner regarding the planning, implementation, and administration of the department's programs.

(3) (a) Except as required by Subsection (3)(c), members are appointed by the commissioner to four-year terms of office.

(b) Representatives of the organizations cited in Subsections (1)(a) through (1)(h) shall be appointed to the Agricultural Advisory Board by the ~~[governor]~~ commissioner from a list of nominees submitted by each organization.

~~[(b) Representatives of the groups cited in Subsections (1)(i) through (1)(k) shall be appointed to the Agricultural Advisory Board by the governor from a list of nominees submitted by the commissioner.]~~

~~[(4) (a) Except as required by Subsection (b), members are appointed to four-year terms of office.]~~

~~[(b) (c)~~ Notwithstanding the requirements of Subsection (3)(a), the ~~[governor]~~ commissioner shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

~~[(c) (d)~~ Members may be removed at the discretion of the ~~[governor]~~ commissioner upon the request of the group they represent.

~~[(5) (e)~~ When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

~~[(6) (4)~~ The board shall elect one member to serve as chair of the Agricultural Advisory Board for a term of one year.

~~[(7) (5) (a)~~ The board shall meet four times annually, but may meet more often at the discretion of the chair.

(b) Attendance of ~~[six]~~ seven members at a duly called meeting constitutes a quorum for the transaction of official business.

~~[(8) (6) (a)~~ Members shall receive no compensation or benefits for their services, but may receive per diem and expenses incurred in the performance of the member's official duties at the rates established by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

(b) Members may decline to receive per diem and expenses for their service.