

AGRICULTURAL MODIFICATIONS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill amends the composition of certain agricultural boards and commissions.

Highlighted Provisions:

This bill:

- ▶ amends the composition of the Agricultural Advisory Board;
- ▶ amends the composition of the Utah Horse Racing Commission;
- ▶ repeals the Pesticide Committee;
- ▶ amends the functions and duties of the Conservation Commission;
- ▶ amends the composition of the Domesticated Elk Act Advisory Council; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 4-2-7**, as last amended by Laws of Utah 2015, Chapter 128
- 4-18-105**, as last amended by Laws of Utah 2015, Chapter 235
- 4-18-106**, as last amended by Laws of Utah 2014, Chapter 383
- 4-38-3**, as last amended by Laws of Utah 2013, Chapter 461



28 4-39-104, as last amended by Laws of Utah 2010, Chapter 286

29 REPEALS:

30 4-14-10, as last amended by Laws of Utah 2010, Chapter 286



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

33 Section 1. Section 4-2-7 is amended to read:

34 **4-2-7. Agricultural Advisory Board created -- Composition -- Responsibility --**
35 **Terms of office -- Compensation.**

36 (1) There is created the Agricultural Advisory Board composed of 16 members, with
37 each member representing one of the following:

- 38 (a) Utah Farm Bureau Federation;
- 39 (b) Utah Farmers Union;
- 40 (c) Utah Cattlemen's Association;
- 41 (d) Utah Wool Growers' Association;
- 42 (e) Utah Dairymen's Association;
- 43 (f) Utah Pork Producer's Association;
- 44 (g) egg and poultry producers;
- 45 (h) Utah Veterinary Medical Association;
- 46 (i) Livestock Auction Marketing Association;
- 47 (j) Utah Association of Conservation Districts;
- 48 (k) the Utah horse industry;
- 49 (l) the food processing industry;
- 50 (m) the fruit and vegetable industry;
- 51 (n) the turkey industry;
- 52 (o) manufacturers of food supplements; [~~and~~]
- 53 (p) a consumer affairs group[~~;~~];
- 54 (q) dean of the College of Agriculture and Applied Science and vice president of
55 extension from Utah State University; and
56 (r) urban and small farmers.

57 (2) (a) The Agricultural Advisory Board shall advise the commissioner regarding:

- 58 (i) the planning, implementation, and administration of the department's programs; and

59 (ii) the establishment of standards governing the care of livestock and poultry,
60 including consideration of:

- 61 (A) food safety;
- 62 (B) local availability and affordability of food; and
- 63 (C) acceptable practices for livestock and farm management.

64 (b) The Agricultural Advisory Board shall fulfill the duties described in Title 4,
65 Chapter 2, Part 5, Horse Tripping Awareness.

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

68 (b) The commissioner shall appoint representatives of the organizations cited in
69 Subsections (1)(a) through (h) to the Agricultural Advisory Board from a list of nominees
70 submitted by each organization.

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

75 (d) Members may be removed at the discretion of the commissioner upon the request
76 of the group they represent.

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

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

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

83 (b) Attendance of [~~nine~~] 10 members at a duly called meeting constitutes a quorum for
84 the transaction of official business.

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

- 87 (a) Section [63A-3-106](#);
- 88 (b) Section [63A-3-107](#); and
- 89 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

90 63A-3-107.

91 Section 2. Section 4-18-105 is amended to read:

92 **4-18-105. Conservation Commission -- Functions and duties.**

93 (1) The commission shall:

94 (a) facilitate the development and implementation of the strategies and programs
95 necessary to:

96 (i) protect, conserve, utilize, and develop the soil, air, and water resources of the state;
97 and

98 (ii) promote the protection, integrity, and restoration of land for agricultural and other
99 beneficial purposes;

100 (b) disseminate information regarding districts' activities and programs;

101 (c) supervise the formation, reorganization, or dissolution of districts according to the
102 requirements of Title 17D, Chapter 3, Conservation District Act;

103 (d) prescribe uniform accounting and recordkeeping procedures for districts and
104 require each district to submit annually an audit of its funds to the commission;

105 (e) approve and make loans for agricultural purposes, through the advisory board
106 described in Section 4-18-106, from the Agriculture Resource Development Fund, for:

107 (i) rangeland improvement and management projects;

108 (ii) watershed protection and flood prevention projects;

109 (iii) agricultural cropland soil and water conservation projects;

110 (iv) programs designed to promote energy efficient farming practices; and

111 [~~v~~] ~~development and implementation of coordinated resource management plans, as~~
112 ~~defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and]~~

113 [~~vi~~] (v) programs or improvements for agriculture product storage or protections of a
114 crop or animal resource;

115 (f) administer federal or state funds, including loan funds under this chapter, in
116 accordance with applicable federal or state guidelines and make loans or grants from those
117 funds to land occupiers for:

118 (i) ~~the~~ conservation of soil or water resources;

119 (ii) maintenance of rangeland improvement projects; ~~and]~~

120 (iii) development and implementation of coordinated resource management plans, as

121 defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and
122 ~~[(iii) the]~~ (iv) control or eradication of noxious weeds and invasive plant species:
123 (A) in cooperation and coordination with local weed boards; and
124 (B) in accordance with Section 4-2-8.7;
125 (g) seek to coordinate soil and water protection, conservation, and development
126 activities and programs of state agencies, local governmental units, other states, special interest
127 groups, and federal agencies;
128 (h) plan watershed and flood control projects in cooperation with appropriate local,
129 state, and federal authorities, and coordinate flood control projects in the state;
130 (i) assist other state agencies with conservation standards for agriculture when
131 requested; and
132 (j) when assigned by the governor, when required by contract with the Department of
133 Environmental Quality, or when required by contract with the United States Environmental
134 Protection Agency:
135 (i) develop programs for the prevention, control, or abatement of new or existing
136 pollution to the soil, water, or air of the state;
137 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
138 chapter;
139 (iii) conduct studies, investigations, research, and demonstrations relating to
140 agricultural pollution issues;
141 (iv) give reasonable consideration in the exercise of its powers and duties to the
142 economic impact on sustainable agriculture;
143 (v) meet the requirements of federal law related to water and air pollution in the
144 exercise of its powers and duties; and
145 (vi) establish administrative penalties relating to agricultural discharges as defined in
146 Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.
147 (2) The commission may:
148 (a) employ, with the approval of the department, an administrator and necessary
149 technical experts and employees;
150 (b) execute contracts or other instruments necessary to exercise its powers;
151 (c) take necessary action to promote and enforce the purpose and findings of Section

152 4-18-102;

153 (d) sue and be sued; and

154 (e) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
155 Rulemaking Act, necessary to carry out the powers and duties described in Subsection (1) and
156 Subsections (2)(b) and (c).

157 (3) If, under Subsection (2)(a), the commission employs an individual who was
158 formerly an employee of a conservation district or the Utah Association of Conservation
159 Districts, the Department of Human Resource Management shall:

160 (a) recognize the employee's employment service credit from the conservation district
161 or association in determining leave accrual in the employee's new position within the state; and

162 (b) set the initial wage rate for the employee at the level that the employee was
163 receiving as an employee of the conservation district or association.

164 (4) An employee described in Subsection (3) is exempt from the career service
165 provisions of Title 67, Chapter 19, Utah State Personnel Management Act, and shall be
166 designated under schedule codes and parameters established by the Department of Human
167 Resource Management under Subsection 67-19-15(1)(p) until the commission, under
168 parameters established by the Department of Human Resource Management, designates the
169 employee under a different schedule recognized under Section 67-19-15.

170 (5) (a) For purposes of the report required by Subsection (5)(b), the commissioner shall
171 study the organizational structure of the employees described in Subsection (3).

172 (b) The commissioner shall report to the Natural Resources, Agriculture, and
173 Environmental Quality Appropriations Subcommittee by no later than that subcommittee's
174 November 2015 interim meeting regarding the study required by Subsection (5)(a).

175 Section 3. Section 4-18-106 is amended to read:

176 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**
177 **money -- Authority board.**

178 (1) There is created a revolving loan fund known as the Agriculture Resource
179 Development Fund.

180 (2) The Agriculture Resource Development Fund shall consist of:

181 (a) money appropriated to it by the Legislature;

182 (b) sales and use tax receipts transferred to the fund in accordance with Section

183 59-12-103;

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

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

187 (e) interest earned on the fund.

188 (3) The commission shall make loans from the Agriculture Resource Development
189 Fund as provided by Subsections 4-18-105(1)(e)(i) through ~~[(v)]~~ (iv).

190 (4) The commission may appoint an advisory board that shall:

191 (a) oversee the award process for loans, as described in this section;

192 (b) make recommendations to the commission regarding loans; and

193 (c) recommend the policies and procedures for the Agriculture Resource Development
194 Fund, consistent with statute.

195 Section 4. Section 4-38-3 is amended to read:

196 **4-38-3. Utah Horse Racing Commission.**

197 (1) (a) There is created within the Department the Utah Horse Racing Commission.

198 (b) (i) The commission shall consist of ~~[five]~~ seven members who shall be ~~[U.S.]~~

199 United States citizens, Utah residents, and qualified voters of Utah.

200 (ii) Each member shall have an interest in horse racing.

201 (iii) Two members shall be chosen from horse racing organizations.

202 (c) (i) The governor shall appoint the members of the commission.

203 (ii) The governor shall appoint commission members from a list of nominees submitted
204 by the commissioner of agriculture and food.

205 (d) (i) The members of the commission shall be appointed to four-year terms.

206 (ii) A commission member may not serve more than two consecutive terms.

207 (e) Each member shall hold office until his or her successor is appointed and qualified.

208 (f) Vacancies on the commission shall be filled by appointment by the governor for the
209 unexpired term.

210 (g) (i) A member may be removed from office by the governor for cause after a public
211 hearing.

212 (ii) Notice of the hearing shall fix the time and place of the hearing and shall specify
213 the charges.

214 (iii) Copies of the notice of the hearing shall be served on the member by mailing it to
215 the member at his last known address at least 10 days before the date fixed for the hearing.

216 (iv) The governor may designate a hearing officer to preside over the hearing and
217 report his findings to the governor.

218 (2) (a) The members of the commission shall annually elect a commission chair.

219 (b) [~~Three~~] Five members of the commission shall constitute a quorum for the
220 transaction of any business of the commission.

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

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

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

225 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
226 63A-3-107.

227 (4) All claims and expenditures made under this chapter shall be first audited and
228 passed upon by the commission and when approved shall be paid in the manner provided by
229 law for payment of claims against the state.

230 (5) Any member of the commission who has a personal or private interest in any matter
231 proposed or pending before the commission shall publicly disclose this fact to the commission
232 and may not vote on the matter.

233 (6) Any member of the commission who owns or who has any interest or whose spouse
234 or member of his immediate family has any interest in a horse participating in a race shall
235 disclose that interest and may not participate in any commission decision involving that race.

236 Section 5. Section ~~4-39-104~~ is amended to read:

237 **4-39-104. Domesticated Elk Act advisory council.**

238 (1) The department shall establish [~~an~~] a Domesticated Elk Act advisory council to
239 give advice and make recommendations on policies and rules adopted pursuant to this chapter.

240 (2) The advisory council shall consist of [~~eight~~] nine members appointed by the
241 commissioner of agriculture to four-year terms as follows:

242 (a) [~~two members~~] one member, recommended by the executive director of the
243 Department of Natural Resources, shall represent the Department of Natural Resources;

244 (b) two members shall represent the Department of Agriculture, one of whom shall be

245 the state veterinarian;

246 (c) [~~two members~~] one member shall represent the livestock industry[~~, one of whom~~
247 ~~shall represent the domesticated elk industry; and~~];

248 (d) [~~two members~~] one member, recommended by the executive director of the
249 Department of Natural Resources from a list of candidates submitted by the Division of
250 Wildlife Resources, shall represent wildlife interests[-];

251 (e) two members, recommended by the Department of Agriculture, shall represent the
252 interest of the hunting parks owners; and

253 (f) two members, recommended by the Department of Agriculture, shall represent the
254 domesticated elk industry.

255 (3) Notwithstanding the requirements of Subsection (2), the commissioner shall, at the
256 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
257 council members are staggered so that approximately half of the council is appointed every two
258 years.

259 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
260 appointed for the unexpired term.

261 (5) (a) A majority of the advisory council constitutes a quorum.

262 (b) A quorum is necessary for the council to act.

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

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

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

267 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
268 63A-3-107.

269 Section 6. **Repealer.**

270 This bill repeals:

271 Section 4-14-10, **Pesticide Committee created -- Composition -- Terms --**
272 **Compensation -- Duties.**