

1                   **AGRICULTURAL ADVISORY BOARD AMENDMENTS**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                                   **Chief Sponsor: Casey Snider**

5                                   Senate Sponsor: Scott D. Sandall

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies provisions related to the Agricultural Advisory Board.

10 **Highlighted Provisions:**

11       This bill:

- 12       ▶ addresses membership of the Agricultural Advisory Board;
- 13       ▶ changes frequency of meetings of the Agricultural Advisory Board;
- 14       ▶ modifies the duties of the Agricultural Advisory Board;
- 15       ▶ creates an executive committee of the Agricultural Advisory Board, including
- 16 addressing membership, terms, quorum, chair, and duties;
- 17       ▶ transfers certain duties of the Agricultural Advisory Board to the executive
- 18 committee; and
- 19       ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21       None

22 **Other Special Clauses:**

23       None

24 **Utah Code Sections Affected:**

25 AMENDS:

26       **4-2-108**, as last amended by Laws of Utah 2018, Chapter 132

27       **4-2-502**, as last amended by Laws of Utah 2017, Chapter 345

28       **4-2-503**, as last amended by Laws of Utah 2017, Chapter 345

29       **4-2-504**, as last amended by Laws of Utah 2017, Chapter 345

- 30 ~~4-17-104~~, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 31 ~~4-19-104~~, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 32 ~~73-20-2~~, as last amended by Laws of Utah 2017, Chapter 345
- 33 ~~73-20-4~~, as enacted by Laws of Utah 1977, First Special Session, Chapter 6
- 34 ~~73-20-5~~, as enacted by Laws of Utah 1977, First Special Session, Chapter 6

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

37 Section 1. Section **4-2-108** is amended to read:

38 **4-2-108. Agricultural Advisory Board created -- Composition -- Responsibility --**  
 39 **Terms of office -- Compensation -- Executive committee.**

40 ~~[(1) There is created the Agricultural Advisory Board composed of 21 members, with~~  
 41 ~~each member representing one of the following:]~~

- 42 ~~[(a) Utah Farm Bureau Federation;]~~
- 43 ~~[(b) Utah Farmers Union;]~~
- 44 ~~[(c) Utah Cattlemen's Association;]~~
- 45 ~~[(d) Utah Wool Growers Association;]~~
- 46 ~~[(e) Utah Dairymen's Association;]~~
- 47 ~~[(f) Utah Pork Producers Association;]~~
- 48 ~~[(g) egg and poultry producers;]~~
- 49 ~~[(h) Utah Veterinary Medical Association;]~~
- 50 ~~[(i) Livestock Auction Marketing Association;]~~
- 51 ~~[(j) Utah Association of Conservation Districts;]~~
- 52 ~~[(k) the Utah horse industry;]~~
- 53 ~~[(l) the food processing industry;]~~
- 54 ~~[(m) the fruit and vegetable industry;]~~
- 55 ~~[(n) the turkey industry;]~~
- 56 ~~[(o) manufacturers of food supplements;]~~
- 57 ~~[(p) a consumer affairs group;]~~

58 ~~[(q) dean of the College of Agriculture and Applied Science and vice president of~~  
59 ~~extension from Utah State University;]~~

60 ~~[(r) urban and small farmers;]~~

61 ~~[(s) Utah Elk Breeders Association;]~~

62 ~~[(t) Utah Beekeepers Association; and]~~

63 ~~[(u) Utah Fur Breeders Association.]~~

64 (1) There is created the Agricultural Advisory Board composed of the following 21  
65 members:

66 (a) the dean of the College of Agriculture and Applied Science from Utah State  
67 University; and

68 (b) the following appointed by commissioner:

69 (i) two representatives of associations representing interests of farmers, selected from a  
70 list of nominees submitted by at least two associations representing farmers;

71 (ii) a representative of an association representing cattlemen, selected from a list of  
72 nominees submitted by at least one association representing cattlemen;

73 (iii) one representative of an association representing wool growers, selected from a list  
74 of nominees submitted by at least one association representing wool growers;

75 (iv) one representative of an association representing dairies, selected from a list of  
76 nominees submitted by at least one association representing dairies;

77 (v) one representative of an association representing pork producers, selected from a  
78 list of nominees submitted by at least one association representing pork producers;

79 (vi) one representative of egg and poultry producers;

80 (vii) one representative of an association representing veterinarians, selected from a list  
81 of nominees submitted by at least one association representing veterinarians;

82 (viii) one representative of an association representing livestock auctions, selected  
83 from a list of nominees submitted by at least one association representing livestock auctions;

84 (ix) one representative of an association representing conservation districts, selected  
85 from a list of nominees submitted by at least one association representing conservation

86 districts;

87 (x) one representative of the Utah horse industry;

88 (xi) one representative of the food processing industry;

89 (xii) one representative of the fruit and vegetable industry;

90 (xiii) one representative of the turkey industry;

91 (xiv) one representative of manufacturers of food supplements;

92 (xv) one representative of a consumer affairs group;

93 (xvi) one representative of urban and small farmers;

94 (xvii) one representative of an association representing elk breeders, selected from a  
95 list of nominees submitted by at least one association representing elk breeders;

96 (xviii) one representative of an association representing beekeepers, selected from a list  
97 of nominees submitted by at least one association representing beekeepers; and

98 (xix) one representative of fur breeders, selected from a list of nominees submitted by  
99 at least one association representing fur breeders.

100 (2) The Agricultural Advisory Board shall:

101 (a) advise the commissioner regarding:

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

103 (ii) the establishment of standards governing the care of livestock and poultry,

104 including consideration of:

105 (A) food safety;

106 (B) local availability and affordability of food; and

107 (C) acceptable practices for livestock and farm management; and

108 ~~[(b) fulfill the duties described in Title 4, Chapter 2, Part 5, Horse Tripping Awareness;~~  
109 ~~and]~~

110 ~~[(c)]~~ (b) adopt best management practices for sheep, swine, cattle, and poultry  
111 industries in the state.

112 (3) The Agricultural Advisory Board may adopt best management practices for  
113 domesticated elk, mink, apiaries, and other agricultural industries in the state.

114 (4) For purposes of this section, "best management practices" means practices used by  
115 agriculture in the production of food and fiber that are commonly accepted practices, or that are  
116 at least as effective as commonly accepted practices, and that:

- 117 (a) protect the environment;  
118 (b) protect human health; and  
119 (c) promote the financial viability of agricultural production.

120 (5) (a) Except as required by Subsection (1)(a) or (5)(~~(c)~~)(b), members of the  
121 Agricultural Advisory Board are appointed by the commissioner to four-year terms of office.

122 [~~(b) The commissioner shall appoint representatives of the organizations cited in~~  
123 ~~Subsections (1)(a) through (h) to the Agricultural Advisory Board from a list of nominees~~  
124 ~~submitted by each organization.~~]

125 [~~(c)~~] (b) Notwithstanding the requirements of Subsection (5)(a), the commissioner  
126 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
127 terms of board members are staggered so that approximately half of the board is appointed  
128 every two years.

129 [~~(d) Members~~] (c) A member may be removed at the discretion of the commissioner  
130 upon the request of the group [~~they represent~~] the member represents.

131 [~~(e)~~] (d) When a vacancy occurs in the membership for any reason, the [~~replacement~~  
132 ~~shall be appointed~~] commissioner shall appoint a replacement for the unexpired term.

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

135 (7) (a) The [~~board~~] Agricultural Advisory Board shall meet [~~four times annually~~] twice  
136 a year, but may meet more often at the discretion of the chair.

137 (b) Attendance of 11 members at a duly called meeting of the Agricultural Advisory  
138 Board constitutes a quorum for the transaction of official business.

139 (8) A member of the Agricultural Advisory Board may not receive compensation or  
140 benefits for the member's service, but may receive per diem and travel expenses in accordance  
141 with:

- 142 (a) Section 63A-3-106;
- 143 (b) Section 63A-3-107; and
- 144 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 145 63A-3-107.
- 146 (9) (a) There is created an executive committee of the Agricultural Advisory Board
- 147 consisting of the following seven members selected from members of the Agricultural
- 148 Advisory Board:
- 149 (i) the two representatives appointed under Subsection (1)(b)(i);
- 150 (ii) the representative appointed under Subsection (1)(b)(ix); and
- 151 (iii) four members selected from the Agricultural Advisory Board as follows:
- 152 (A) for the initial members of the executive committee, by the commissioner; and
- 153 (B) after the initial members of the executive committee are selected, by the executive
- 154 committee.
- 155 (b) (i) A member of the executive committee shall serve a term of four years on the
- 156 executive committee.
- 157 (ii) A member of the executive committee may serve for more than one term on the
- 158 executive committee.
- 159 (iii) When a vacancy occurs in the membership of the executive committee for any
- 160 reason, the replacement shall be selected in the same manner as under Subsection (9)(a) and for
- 161 the unexpired term.
- 162 (c) Four members of the executive committee constitute a quorum and an action of the
- 163 majority present when a quorum is present is action by the executive committee.
- 164 (d) The executive committee shall annually select a chair of the executive committee.
- 165 (e) The executive committee shall meet at least quarterly, except that the chair of the
- 166 executive committee may call the executive committee for additional meetings.
- 167 (f) The executive committee shall:
- 168 (i) recommend to the department fees to be imposed under this title;
- 169 (ii) accept public comment received under this title; and

170 (iii) carry out the responsibilities assigned to the executive committee by statute.

171 Section 2. Section **4-2-502** is amended to read:

172 **4-2-502. Definitions.**

173 As used in this part:

174 (1) "Board executive committee" means the executive committee of the Agricultural  
175 Advisory Board created in Section **4-2-108**.

176 (2) "Horse event" means an event in which horses are roped or tripped for the purpose  
177 of a specific event or contest.

178 (3) (a) "Horse tripping" means the lassoing or roping of the legs of an equine, or  
179 otherwise tripping or causing an equine to fall by any means, for the purpose of entertainment,  
180 sport, or contest, or practice for entertainment, sport, or contest.

181 (b) "Horse tripping" does not include accepted animal husbandry practices, customary  
182 farming practices, or commonly accepted practices occurring in conjunction with a sanctioned  
183 rodeo, animal race, or pulling contest.

184 Section 3. Section **4-2-503** is amended to read:

185 **4-2-503. Event reporting requirements.**

186 (1) The owner of a venue holding a horse event shall:

187 (a) at least 30 days before the day on which the horse event is to be held, notify the  
188 board executive committee of the date, time, and name of the horse event; and

189 (b) no later than 30 days after the day on which the horse event is held, notify the board  
190 executive committee of:

191 (i) the number and type of competitions held at the horse event;

192 (ii) the number of horses used;

193 (iii) whether horse tripping occurred, and if so how many horses were used in horse  
194 tripping and how many times each horse was tripped; and

195 (iv) whether a veterinarian was called during the horse event, and if so:

196 (A) the name and contact information of the veterinarian;

197 (B) the outcome of the veterinarian's examination of a horse; and

198 (C) [~~all~~] the veterinarian charges incurred.

199 (2) (a) The department shall compile [~~all~~] the reports received pursuant to Subsection  
200 (1) and provide the information to the board executive committee.

201 (b) The board executive committee shall, at a meeting described in Subsection  
202 4-2-108[~~(5)(a)~~](9):

203 (i) review the information described in Subsection (2)(a); and

204 (ii) if necessary, make recommendations for rules or legislation designed to prohibit  
205 horse tripping.

206 (3) The department shall fine the owner of a venue that fails to fulfill the duties  
207 described in Subsection (1) \$500 per violation.

208 (4) The department, in consultation with the board executive committee, shall make  
209 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as  
210 necessary to enforce this part.

211 Section 4. Section 4-2-504 is amended to read:

212 **4-2-504. Horse tripping education -- Reporting requirements.**

213 The department, in conjunction with the board executive committee, shall:

214 (1) send a letter, annually, to venues that host horse events:

215 (a) outlining the reporting requirements of Section 4-2-503; and

216 (b) providing educational information on the negative effects of horse tripping; and

217 (2) promote, as funding allows, policies regarding the safety and welfare of horses  
218 involved in horse events, such as horse roping and horse tripping.

219 Section 5. Section 4-17-104 is amended to read:

220 **4-17-104. Creation of State Weed Committee -- Membership -- Powers and duties**  
221 **-- Expenses.**

222 (1) There is created a State Weed Committee composed of eight members, with each  
223 member representing one of the following:

224 (a) the Department of Agriculture and Food;

225 (b) the Department of Natural Resources;



- 226 (c) the Utah State University Agricultural Experiment Station;
- 227 (d) the Utah State University Extension Service;
- 228 (e) the Utah Association of Counties;
- 229 (f) private agricultural industry;
- 230 (g) the Utah Weed Control Association; and
- 231 (h) the Utah Weed Supervisors Association.

232 (2) The commissioner shall select the members of the committee from those nominated  
233 by each of the respective groups or agencies following approval by the executive committee of  
234 the Agricultural Advisory Board.

235 (3) (a) Except as required by Subsection (3)(b), as terms of current committee members  
236 expire, the commissioner shall appoint each new member or reappointed member to a four-year  
237 term.

238 (b) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at  
239 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of  
240 committee members are staggered so that approximately half of the committee is appointed  
241 every two years.

242 (4) (a) Members may be removed by the commissioner for cause.

243 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
244 appointed for the unexpired term.

245 (5) The State Weed Committee shall:

246 (a) confer and advise on matters pertaining to the planning, implementation, and  
247 administration of the state noxious weed program;

248 (b) recommend names for membership on the committee; and

249 (c) serve as members of the executive committee of the Utah Weed Control  
250 Association.

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

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

254 (b) Section 63A-3-107; and  
255 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
256 63A-3-107.

257 Section 6. Section 4-19-104 is amended to read:

258 **4-19-104. Loans -- Not to exceed period of 10 years -- Agricultural Advisory**  
259 **Board executive committee to approve loans and renewals, methods of payments, and**  
260 **interest rates -- Guidelines in fixing interest rates declared.**

261 (1) The department may not make a loan authorized under this chapter for a period to  
262 exceed 10 years, but the loan is renewable.

263 (2) Except as provided in Subsection (5), the Agricultural Advisory Board executive  
264 committee created in Section 4-2-108 shall approve:

- 265 (a) [aH] loans and renewals;
- 266 (b) the methods of repayment; and
- 267 (c) the interest rates charged.

268 (3) In fixing interest rates, the Agricultural Advisory Board executive committee shall  
269 consider:

- 270 (a) the current applicable interest rate or rates being charged by the USDA Farm  
271 Service Agency on similar loans;
- 272 (b) the current prime rate charged by leading lending institutions; and
- 273 (c) any other pertinent economic data.

274 (4) The interest rates established shall be compatible with guidelines stated in this  
275 section.

276 (5) The Agricultural Advisory Board executive committee may create a subcommittee  
277 from the [~~board's~~] Agricultural Advisory Board membership to approve a loan or renewal  
278 under this section.

279 Section 7. Section 73-20-2 is amended to read:

280 **73-20-2. Definitions.**

281 As used in this chapter:

282 (1) "Advisory board executive committee" means the executive committee of the  
283 Agricultural Advisory Board created by Section 4-2-108.

284 (2) "Basic livestock" means a herd of cattle, sheep, or swine kept and maintained  
285 primarily for breeding purposes.

286 (3) "Board" means the Board of Water Resources created by Section 73-10-1.5.

287 (4) "Commercial farm" means a tract or tracts of land with or without improvements  
288 recognized as a farm or ranch in this state which is owned and operated or leased and operated  
289 by the applicant, and used in the production and raising of basic livestock.

290 (5) "Farmer" means any person who owns and operates or leases and operates a  
291 commercial farm in this state, and includes individuals, partnerships and corporations.

292 Section 8. Section 73-20-4 is amended to read:

293 **73-20-4. Qualification for financial assistance.**

294 To qualify for financial assistance under this act the farmer shall:

295 (1) make written original application to the advisory board executive committee and to  
296 the board on forms prescribed by the board in conjunction with the advisory board executive  
297 committee;

298 (2) own or hold under lease a commercial farm which contributed more than one-half  
299 of the farmer's or rancher's gross income from all income sources for the taxable year 1976; and

300 (3) comply with any condition imposed by the board for financial assistance pursuant  
301 to authority granted the board under Section 73-20-3.

302 Section 9. Section 73-20-5 is amended to read:

303 **73-20-5. Consultation with the executive committee of the Agricultural Advisory**  
304 **Board.**

305 The board, before making any expenditure of emergency funds appropriated under this  
306 [~~act~~] chapter, shall consult with and receive the advice of the advisory board executive  
307 committee with respect to the demonstrated need for financial assistance in the form of the  
308 development of a water resource.