

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

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

REPEALS:

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

31

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~~] 21 members,
37 with 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;
- 56 (r) urban and small farmers;
- 57 (s) Utah Elk Breeders Association;

58 (t) Utah Beekeepers Association; and

59 (u) Utah Fur Breeders Association.

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

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

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

63 including consideration of:

64 (A) food safety;

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

66 (C) acceptable practices for livestock and farm management.

67 (b) The Agricultural Advisory Board shall fulfill the duties described in Title 4,

68 Chapter 2, Part 5, Horse Tripping Awareness.

69 (3) (a) Except as required by Subsection (3)(c), members are appointed by the

70 commissioner to four-year terms of office.

71 (b) The commissioner shall appoint representatives of the organizations cited in

72 Subsections (1)(a) through (h) to the Agricultural Advisory Board from a list of nominees

73 submitted by each organization.

74 (c) Notwithstanding the requirements of Subsection (3)(a), the commissioner shall, at

75 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of

76 board members are staggered so that approximately half of the board is appointed every two

77 years.

78 (d) Members may be removed at the discretion of the commissioner upon the request

79 of the group they represent.

80 (e) When a vacancy occurs in the membership for any reason, the replacement shall be

81 appointed for the unexpired term.

82 (4) The board shall elect one member to serve as chair of the Agricultural Advisory

83 Board for a term of one year.

84 (5) (a) The board shall meet four times annually, but may meet more often at the

85 discretion of the chair.

86 (b) Attendance of [~~nine~~] 11 members at a duly called meeting constitutes a quorum for
87 the transaction of official business.

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

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

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

92 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
93 63A-3-107.

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

95 **4-18-105. Conservation Commission -- Functions and duties.**

96 (1) The commission shall:

97 (a) facilitate the development and implementation of the strategies and programs
98 necessary to:

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

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

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

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

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

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

110 (i) rangeland improvement and management projects;

111 (ii) watershed protection and flood prevention projects;

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

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

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

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

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

121 (i) ~~[the]~~ conservation of soil or water resources;

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

123 (iii) development and implementation of coordinated resource management plans, as
124 defined in Section 4-18-103, with conservation districts, as defined in Section 17D-3-102; and

125 ~~[(iii) the]~~ (iv) control or eradication of noxious weeds and invasive plant species:

126 (A) in cooperation and coordination with local weed boards; and

127 (B) in accordance with Section 4-2-8.7;

128 (g) seek to coordinate soil and water protection, conservation, and development
129 activities and programs of state agencies, local governmental units, other states, special interest
130 groups, and federal agencies;

131 (h) plan watershed and flood control projects in cooperation with appropriate local,
132 state, and federal authorities, and coordinate flood control projects in the state;

133 (i) assist other state agencies with conservation standards for agriculture when
134 requested; and

135 (j) when assigned by the governor, when required by contract with the Department of
136 Environmental Quality, or when required by contract with the United States Environmental
137 Protection Agency:

138 (i) develop programs for the prevention, control, or abatement of new or existing
139 pollution to the soil, water, or air of the state;

140 (ii) advise, consult, and cooperate with affected parties to further the purpose of this
141 chapter;

142 (iii) conduct studies, investigations, research, and demonstrations relating to
143 agricultural pollution issues;
144 (iv) give reasonable consideration in the exercise of its powers and duties to the
145 economic impact on sustainable agriculture;
146 (v) meet the requirements of federal law related to water and air pollution in the
147 exercise of its powers and duties; and
148 (vi) establish administrative penalties relating to agricultural discharges as defined in
149 Section 4-18-103 that are proportional to the seriousness of the resulting environmental harm.

150 (2) The commission may:

151 (a) employ, with the approval of the department, an administrator and necessary
152 technical experts and employees;

153 (b) execute contracts or other instruments necessary to exercise its powers;

154 (c) take necessary action to promote and enforce the purpose and findings of Section
155 4-18-102;

156 (d) sue and be sued; and

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

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

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

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

167 (4) An employee described in Subsection (3) is exempt from the career service
168 provisions of Title 67, Chapter 19, Utah State Personnel Management Act, and shall be
169 designated under schedule codes and parameters established by the Department of Human

170 Resource Management under Subsection 67-19-15(1)(p) until the commission, under
171 parameters established by the Department of Human Resource Management, designates the
172 employee under a different schedule recognized under Section 67-19-15.

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

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

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

179 **4-18-106. Agriculture Resource Development Fund -- Contents -- Use of fund**
180 **money -- Authority board.**

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

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

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

185 (b) sales and use tax receipts transferred to the fund in accordance with Section
186 59-12-103;

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

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

190 (e) interest earned on the fund.

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

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

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

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

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

198 Section 4. Section **4-38-3** is amended to read:

199 **4-38-3. Utah Horse Racing Commission.**

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

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

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

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

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

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

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

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

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

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

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

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

215 (ii) Notice of the hearing shall fix the time and place of the hearing and shall specify
216 the charges.

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

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

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

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

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

- 226 (a) Section 63A-3-106;
- 227 (b) Section 63A-3-107; and
- 228 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 229 63A-3-107.

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

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

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

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

240 **4-39-104. Domesticated Elk Act advisory council.**

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

243 (2) The advisory council shall consist of [~~eight~~] 10 members appointed by the
244 commissioner of agriculture to four-year terms as follows:

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

247 (b) two members shall represent the Department of Agriculture, one of whom shall be
248 the state veterinarian;

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

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

254 (e) five members, recommended by the Department of Agriculture, shall represent the
255 domesticated elk industry.

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

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

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

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

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

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

267 (b) Section [63A-3-107](#); and

268 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
269 [63A-3-107](#).

270 Section 6. **Repealer.**

271 This bill repeals:

272 Section [4-14-10](#), **Pesticide Committee created -- Composition -- Terms --**

273 **Compensation -- Duties.**