

1 **Department of Agriculture and Food Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Douglas R. Welton

Senate Sponsor: Michael K. McKell

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses how the Department of Agriculture and Food reviews an account.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ requires an accountant to annually review a Department of Agriculture and Food account
9 containing the proceeds from marketing orders; and

10 ▶ makes technical and conforming changes.

11 **Money Appropriated in this Bill:**

12 None

13 **Other Special Clauses:**

14 None

15 **Utah Code Sections Affected:**

16 AMENDS:

17 **4-2-103**, as last amended by Laws of Utah 2023, Chapters 126, 232

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

20 Section 1. Section **4-2-103** is amended to read:

21 **4-2-103 . Functions, powers, and duties of department -- Fees for services --**

22 **Marketing orders -- Procedure -- Purchasing and auditing.**

23 (1) The department shall:

24 (a) inquire into and promote the interests and products of agriculture and allied
25 industries;

26 (b) promote methods for increasing the production and facilitating the distribution of the
27 agricultural products of the state;

28 (c)(i) inquire into the cause of contagious, infectious, and communicable diseases
29 among livestock and the means for their prevention and cure; and

30 (ii) initiate, implement, and administer plans and programs to prevent the spread of

- 31 diseases among livestock;
- 32 (d) encourage experiments designed to determine the best means and methods for the
33 control of diseases among domestic and wild animals;
- 34 (e) issue marketing orders for any designated agricultural product to:
- 35 (i) promote orderly market conditions for any product;
- 36 (ii) give the producer a fair return on the producer's investment at the marketplace;
37 and
- 38 (iii) only promote and not restrict or restrain the marketing of Utah agricultural
39 commodities;
- 40 (f) administer and enforce all laws assigned to the department by the Legislature;
- 41 (g) establish standards and grades for agricultural products and fix and collect
42 reasonable fees for services performed by the department in conjunction with the
43 grading of agricultural products;
- 44 (h) establish operational standards for any establishment that manufactures, processes,
45 produces, distributes, stores, sells, or offers for sale any agricultural product;
- 46 (i) ~~[adopt, according to]~~ in accordance with Title 63G, Chapter 3, Utah Administrative
47 Rulemaking Act, make rules necessary for the effective administration of the
48 agricultural laws of the state;
- 49 (j) when necessary, make investigations, subpoena witnesses and records, conduct
50 hearings, issue orders, and make recommendations concerning matters related to
51 agriculture;
- 52 (k)(i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any
53 private or public place that may become infested or infected with harmful insects,
54 plant diseases, noxious or poisonous weeds, or other agricultural pests;
- 55 (ii) establish and enforce quarantines;
- 56 (iii) issue and enforce orders and rules for the control and eradication of pests,
57 wherever they may exist within the state; and
- 58 (iv) perform other duties relating to plants and plant products considered advisable
59 and not contrary to law;
- 60 (l) inspect apiaries for diseases inimical to bees and beekeeping;
- 61 (m) take charge of any agricultural exhibit within the state, if considered necessary by
62 the department, and award premiums at that exhibit;
- 63 (n) provide for the coordination of state conservation efforts, including by:
- 64 (i) assisting the Conservation Commission in the administration of Chapter 18,

- 65 Conservation Commission Act;
- 66 (ii) implementing Chapter 46, Conservation Coordination Act, including entering into
67 agreements with other state agencies; and
- 68 (iii) administering and disbursing money available to assist conservation districts in
69 the state in the conservation of the state's soil and water resources;
- 70 (o) participate in the United States Department of Agriculture certified agricultural
71 mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;
- 72 (p) promote and support the multiple use of public lands;
- 73 (q) ensure that any training or certification required of a public official or public
74 employee, as those terms are defined in Section 63G-22-102, complies with Title
75 63G, Chapter 22, State Training and Certification Requirements, if the training or
76 certification is required:
- 77 (i) under this title;
- 78 (ii) by the department; or
- 79 (iii) by an entity within the department;
- 80 (r) administer the requirements described in Section 56-1-12 pertaining to livestock
81 damaged by railroad operations;
- 82 (s) in accordance with Title 73, Chapter 3d, Part 4, Compensation:
- 83 (i) conduct mediation or arbitration; and
- 84 (ii) assist in the issuance of loans by the Conservation Commission; and
- 85 (t) perform any additional functions, powers, and duties provided by law.
- 86 (2) The department, by following the procedures and requirements of Section 63J-1-504,
87 may adopt a schedule of fees assessed for services provided by the department.
- 88 (3)(a) A marketing order issued under Subsection (1)(e) may not take effect until:
- 89 (i) the department gives notice of the proposed order to the producers and handlers of
90 the affected product;
- 91 (ii) the commissioner conducts a hearing on the proposed order; and
- 92 (iii) at least 50% of the registered producers and handlers of the affected products
93 vote in favor of the proposed order.
- 94 (b)(i) The department may establish boards of control to administer marketing orders
95 and the proceeds derived from any order.
- 96 (ii) A board of control shall:
- 97 (A) ensure that proceeds are placed in an account in the board of control's name in
98 a depository institution; and

- 99 (B) ensure that the account described in Subsection (3)(b)(ii)(A) is annually [
100 audited] reviewed by an accountant approved by the commissioner.
- 101 (4) Money collected by grain grading, as provided by Subsection (1)(g), shall be deposited
102 into the General Fund as dedicated credits for the grain grading program.
- 103 (5) In fulfilling the department's duties in this chapter, the department may:
- 104 (a) purchase, as authorized or required by law, services that the department is
105 responsible to provide for legally eligible persons;
- 106 (b) take necessary steps, including legal action, to recover money or the monetary value
107 of services provided to a recipient who is not eligible;
- 108 (c) examine and audit the expenditures of any public funds provided to a local authority,
109 agency, or organization that contracts with or receives funds from those authorities or
110 agencies;
- 111 (d) accept and administer grants from the federal government and from other sources,
112 public or private; and
- 113 (e) fund grants using money appropriated by the Legislature or money received from
114 any other source.

115 **Section 2. Effective Date.**

116 This bill takes effect on May 7, 2025.