

4-2-2 Functions, powers, and duties of department -- Fees for services -- Marketing orders -- Procedure.

- (1) The department shall:
 - (a) inquire into and promote the interests and products of agriculture and its allied industries;
 - (b) promote methods for increasing the production and facilitating the distribution of the agricultural products of the state;
 - (c)
 - (i) inquire into the cause of contagious, infectious, and communicable diseases among livestock and the means for their prevention and cure; and
 - (ii) initiate, implement, and administer plans and programs to prevent the spread of diseases among livestock;
 - (d) encourage experiments designed to determine the best means and methods for the control of diseases among domestic and wild animals;
 - (e) issue marketing orders for any designated agricultural product to:
 - (i) promote orderly market conditions for any product;
 - (ii) give the producer a fair return on the producer's investment at the marketplace; and
 - (iii) only promote and not restrict or restrain the marketing of Utah agricultural commodities;
 - (f) administer and enforce all laws assigned to the department by the Legislature;
 - (g) establish standards and grades for agricultural products and fix and collect reasonable fees for services performed by the department in conjunction with the grading of agricultural products;
 - (h) establish operational standards for any establishment that manufactures, processes, produces, distributes, stores, sells, or offers for sale any agricultural product;
 - (i) adopt, according to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, rules necessary for the effective administration of the agricultural laws of the state;
 - (j) when necessary, make investigations, subpoena witnesses and records, conduct hearings, issue orders, and make recommendations concerning all matters related to agriculture;
 - (k)
 - (i) inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse, or any private or public place that may become infested or infected with harmful insects, plant diseases, noxious or poisonous weeds, or other agricultural pests;
 - (ii) establish and enforce quarantines;
 - (iii) issue and enforce orders and rules for the control and eradication of pests, wherever they may exist within the state; and
 - (iv) perform other duties relating to plants and plant products considered advisable and not contrary to law;
 - (l) inspect apiaries for diseases inimical to bees and beekeeping;
 - (m) take charge of any agricultural exhibit within the state, if considered necessary by the department, and award premiums at that exhibit;
 - (n) assist the Conservation Commission in the administration of Title 4, Chapter 18, Conservation Commission Act, and administer and disburse any funds available to assist conservation districts in the state in the conservation of the state's soil and water resources;
 - (o) participate in the United States Department of Agriculture certified agricultural mediation program, in accordance with 7 U.S.C. Sec. 5101 and 7 C.F.R. Part 785;
 - (p) promote and support the multiple use of public lands; and
 - (q) perform any additional functions, powers, and duties provided by law.
- (2) The department, by following the procedures and requirements of Section 63J-1-504, may adopt a schedule of fees assessed for services provided by the department.

- (3)
- (a) No marketing order issued under Subsection (1)(e) shall take effect until:
 - (i) the department gives notice of the proposed order to the producers and handlers of the affected product;
 - (ii) the commissioner conducts a hearing on the proposed order; and
 - (iii) at least 50% of the registered producers and handlers of the affected products vote in favor of the proposed order.
 - (b)
 - (i) The department may establish boards of control to administer marketing orders and the proceeds derived from any order.
 - (ii) The board of control shall:
 - (A) ensure that all proceeds are placed in an account in the board of control's name in a depository institution; and
 - (B) ensure that the account is annually audited by an accountant approved by the commissioner.
- (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be deposited in the General Fund as dedicated credits for the grain grading program.

Amended by Chapter 383, 2011 General Session