

**OVERSIGHT OF UTAH CLIMATE CENTER BY
UTAH STATE UNIVERSITY**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Ben C. Ferry

This act modifies the State System of Higher Education Code by transferring responsibility for the Utah Climate Center from the Department of Agriculture and Food to Utah State University. This act takes effect on July 1, 2003.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

4-2-2, as last amended by Chapter 81, Laws of Utah 1997

ENACTS:

53B-18-105, Utah Code Annotated 1953

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

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

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

(1) The department has and shall exercise the following functions, powers, and duties:

(a) to inquire into and promote the interests and products of agriculture and its allied industries;

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

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

(ii) to initiate, implement, and administer plans and programs to prevent the spread of diseases among livestock;

(d) to encourage experiments designed to determine the best means and methods for



28 the control of diseases among domestic and wild animals;

29 (e) to issue marketing orders for any designated agricultural product to:

30 (i) promote orderly market conditions for any product;

31 (ii) give the producer a fair return on the producer's investment at the marketplace; and

32 (iii) only promote and not restrict or restrain the marketing of Utah agricultural

33 commodities;

34 (f) to administer and enforce all laws assigned to the department by the Legislature;

35 (g) to establish standards and grades for agricultural products and fix and collect

36 reasonable fees for services performed by the department in conjunction with the grading of

37 agricultural products;

38 (h) to establish operational standards for any establishment which manufactures,

39 processes, produces, distributes, stores, sells, or offers for sale any agricultural product;

40 [~~(i)~~] to gather and analyze climatological data for the benefit of all state agencies;]

41 [~~(j)~~] (i) to promulgate, subject to Title 63, Chapter 46a, Utah Administrative

42 Rulemaking Act, rules necessary for the effective administration of the agricultural laws of the

43 state;

44 [~~(k)~~] (j) to make investigations, subpoena witnesses and records, conduct hearings,

45 issue orders, and make recommendations concerning all matters related to agriculture;

46 [~~(l)~~] (k) (i) to inspect any nursery, orchard, farm, garden, park, cemetery, greenhouse,

47 or any private or public place which may become infested or infected with harmful insects,

48 plant diseases, noxious or poisonous weeds, or other agricultural pests;

49 (ii) to establish and enforce quarantines;

50 (iii) to issue and enforce orders and regulations for the control and eradication of pests,

51 wherever they may exist within the state; and

52 (iv) to perform other duties relating to plants and plant products considered advisable

53 and not contrary to law;

54 [~~(m)~~] (l) to inspect apiaries for diseases inimical to bees and beekeeping;

55 [~~(n)~~] (m) to take charge of any agricultural exhibit within the state, if considered

56 necessary by the department, and award premiums at that exhibit;

57 [~~(o)~~] (n) to assist the Soil Conservation Commission in the administration of Title 4,

58 Chapter 18, Soil Conservation Commission Act, and administer and disburse any funds which

59 are available for the purpose of assisting soil conservation districts in the state in the
60 conservation of the state's soil and water resources; and

61 ~~[(p)]~~ (o) to perform any additional functions, powers, and duties provided by law.

62 (2) Unless otherwise provided by statute, the department may adopt a schedule of fees
63 assessed for services provided by the department. The fee shall be reasonable and fair, and
64 shall be submitted to and approved by the Legislature as part of the department's annual
65 appropriations request. The department may not charge or collect any fee proposed in this
66 manner without approval by the Legislature.

67 (3) (a) No marketing order issued under Subsection (1)(e) is effective until:

68 (i) notice of the proposed order is given to the producers and handlers of the affected
69 product;

70 (ii) a hearing conducted by the commissioner is held on the proposed order; and

71 (iii) at least 50% of the registered producers and handlers of the affected products vote
72 in favor of the proposed order.

73 (b) The department may establish boards of control to administer marketing orders and
74 the proceeds derived from any order. It shall be the responsibility of a board of control to:

75 (i) ensure that all proceeds are placed in an account in the name of the board of control
76 in a depository institution; and

77 (ii) ensure that the account is annually audited by an accountant approved by the
78 commissioner.

79 (4) Funds collected by grain grading, as provided by Subsection (1)(g), shall be
80 deposited in the General Fund as nonlapsing dedicated credits for the grain grading program.

81 Section 2. Section **53B-18-105** is enacted to read:

82 **53B-18-105. Climate center.**

83 Utah State University shall establish and maintain a climate center to gather and
84 analyze climatological data for the benefit of all state agencies.

85 Section 3. **Effective date.**

86 This act takes effect on July 1, 2003.

Legislative Review Note
as of 12-30-02 7:03 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0192

Oversight of Utah Climate Center by Utah State University

21-Jan-03

12:08 PM

State Impact

Oversight of the Utah Climate Center has been with Utah State University Agriculture Experiment Station, therefore, the transfer to USU can be handled within existing resources.

Individual and Business Impact

Fees for services could be assessed after USU evaluates the fee schedule.

Office of the Legislative Fiscal Analyst