

COLORADO DEPARTMENT OF AGRICULTURE
700 KIPLING STREET
LAKEWOOD, COLORADO 80215-8000

*

MARKETING ORDER TO PROMOTE THE MARKETING OF SUNFLOWER GROWN IN
THE STATE OF COLORADO

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I hereby certify that this document is a true and correct copy of said marketing order as issued by the Commissioner of Agriculture of the State of Colorado.

IN WITNESS WHEREOF, I, Don Ament, Commissioner of Agriculture, have hereunto set my hand this _____ day of _____, 2001.

Don Ament
Commissioner of Agriculture

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700 KIPLING STREET
LAKEWOOD, COLORADO 80215-8000

MARKETING ORDER REGULATING THE HANDLING OF SUNFLOWER GROWN IN
THE STATE OF COLORADO

WHEREAS, it is provided in Chapter 7, Article 3, Colorado Revised Statutes 1953, as follows:

"Section 5. A. The Commissioner of Agriculture shall administer and enforce the provisions of this Act and shall have and may exercise any or all of the administrative powers conferred upon the head of a department of the State. In order to effectuate the declared purposes of this Act, the Commissioner of Agriculture is hereby authorized to issue, administer and enforce the provisions of marketing orders hereunder regulating the handling of agricultural commodities produced in Colorado.

"B. Whenever the Commissioner has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this Act with respect to any agricultural commodity, he shall either upon his own motion or upon application of any producer or handler of such commodity, give due notice of and an opportunity for a public hearing upon a proposed marketing order.

"C. Due notice of any hearing called for such purpose shall be given to all persons who may be directly affected by any action of the Commissioner pursuant to the provisions of this Act and whose names appear upon lists to be filed by such agricultural industry with the Commissioner. Such hearing shall be open to the public. All testimony shall be received under oath, and a full and complete record of all proceedings at any such hearing shall be made and filed by the Commissioner at his office.

"D. In order to effectuate the declared policy of this Act, the Commissioner shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, distributors, producers and others engaged in the handling of any agricultural commodity, regulating the preparation, sale and handling of such agricultural commodity which said marketing agreement shall be binding upon the signatories thereto exclusively. The execution of such marketing agreement shall in no manner affect the issuance, administration or enforcement of any marketing order provided for in this Act. The Commissioner may issue such marketing order without executing a marketing agreement, or may execute a marketing agreement without issuing a marketing order covering the same commodity.

"The Commissioner in his discretion may hold concurrent hearings upon a proposed marketing agreement and a proposed marketing order in the manner provided for giving due notice and opportunity for hearing for a marketing order as provided in this Act," and

WHEREAS, the Commissioner of Agriculture having reason to believe that the issuance of a Sunflower Marketing Order would tend to effectuate the declared policy of the Act with respect to sunflower produced in Colorado, pursuant to the provisions of the Act, gave due notice thereof and held public hearings, covered by this order during the months of June and August, 2000. Informational referendum hearings were held during the month of January, 2001.

WHEREAS, the Commissioner of Agriculture finds, pursuant to the provisions of said Act, that the marketing order regulating the handling of sunflower grown in the State of Colorado will tend to:

Reestablish or maintain prices received by producers for sunflower at the level which will give to such sunflower purchasing power, with respect to the articles and services which farmers commonly buy.

Approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for such sunflower.

Prevent the unreasonable or unnecessary waste of such agricultural wealth because of improper preparation of such sunflower for market, lack of uniform grading and inspection, or excessive shipments to market.

Protect the interests of consumers of such sunflower, by exercising the powers of this Chapter only to such extent as is necessary to establish the equality of purchasing power described in subsection (1) of this section; and

WHEREAS, in making the findings herein set forth the Commissioner of Agriculture has taken into consideration any and all facts available to him with respect to economic factors specified in Section 6 (b) of the Act; and

WHEREAS, this Marketing Order regulating the handling of sunflower grown in the State of Colorado embraces all persons of a like class who are engaged in the specific and distinctive agricultural industry regulated by this Marketing Order.

NOW THEREFORE, it is ordered by the Commissioner, acting under the authority vested in him by the Act, that such handling of sunflower grown in the State of Colorado, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this Order.

SECTION I

DEFINITIONS

Definitions: As used herein, the following terms have the following meanings:

- (a) "ACT" means Chapter 7, Colorado Revised Statutes 1953, as amended.
- (b) "COMMISSIONER" means the Commissioner of Agriculture for the State of Colorado.
- (c) "DISTRICT" means any of the following subdivisions of the State of Colorado, as defined in Section II, paragraph (b).
- (d) "FISCAL YEAR" means the period so established by the Commissioner after consideration of recommendations by the board of control of said order.
- (e) "HANDLER" means any person engaged in the operation of purchasing, packing, grading, selling, offering for sale, or marketing sunflower; or any person who, as the producer, owner, agent or otherwise, ships or causes sunflower to be shipped; or any governmental entity that obtains from a producer any interest in sunflower covered by a marketing agreement or order in connection with a governmental agricultural commodity program. The Commissioner shall have the power to determine or specify who is a "handler" with respect to an agricultural commodity under a marketing agreement or order.
- (f) "PERSON" means an individual, partnership, corporation, association, legal representative or any organized group of individuals.
- (g) "PRODUCER" means any person who is engaged in the business of producing or causing to be produced at least twenty (20) acres for market sunflower grown in the State of Colorado.
- (h) "SELL" means a transaction wherein the ownership of sunflower is transferred from the producer to a purchaser for a consideration. Sell for the purpose of this Order shall include any pledge or mortgage of sunflower to any person, public or private. Sell shall also include any agreement to acquire such ownership for consideration.
- (i) "SHIP" means to sell, transport, offer for transportation, or ship sunflower by any means whatsoever.
- (j) "SUNFLOWER" means and includes all varieties of sunflower grown in the State of Colorado.
- (k) "SUNFLOWER ADMINISTRATIVE COMMITTEE" shall mean the "Board of Control" established pursuant to Section II herein.
- (l) "VARIETY" means a type of sunflower having similar characteristics.

SECTION II

SUNFLOWER ADMINISTRATIVE COMMITTEE

(a) MEMBERSHIP AND ORGANIZATION

A Sunflower Administrative Committee consisting of eight (8) members is hereby established. There shall be an alternate for each member of the Sunflower Administrative Committee.

(b) REPRESENTATIVE DISTRICTS FOR PRODUCER MEMBERS

For the purpose of the nomination and selection of producer members of the Sunflower Administrative Committee and their respective alternates, the State of Colorado shall be divided into four (4) representative districts as follows:

District No. 1: Includes and consists of the counties of Adams, Logan, Morgan, Sedgwick and Weld.

District No. 2: Includes and consists of the counties of Arapahoe, Elbert, Lincoln, Phillips, Washington and Yuma.

District No. 3: Includes and consists of Kit Carson County.

District No. 4: Includes and consists of the counties of Baca, Cheyenne, Kiowa, Prowers and all remaining counties not previously listed.

Districts may be adjusted by the Commissioner, upon recommendation of the Board, or as may be necessary to allow for production changes.

(c) SELECTION OF ADMINISTRATIVE COMMITTEE

The producers in each district shall nominate two (2) members and two (2) alternates to the Sunflower Administrative Committee. Initial terms may be for one year, two years or three years. The names of these nominated producers shall be forwarded to the Commissioner for appointment to the Board.

(d) ELIGIBILITY FOR MEMBERSHIP

Members of the Sunflower Administrative Committee and alternates for such members must be residents and producers of sunflower in the district in which they are nominated and selected.

(e) ACCEPTANCE BY MEMBERS AND ALTERNATES

Any person selected by the Commissioner as a member or as an alternate for a member of the Sunflower Administrative Committee shall qualify within fifteen (15) days after being notified of such selection.

(f) FAILURE TO NOMINATE

In the event nominations, subsequent to the selection by the Commissioner of the initial members and their respective alternates, are not made and the names of such nominees are not submitted to the Commissioner prior to the beginning of the fiscal year, pursuant to paragraph (c) of this Section, the Commissioner may select such members and alternates without regard to nominations.

(g) TERM OF OFFICE

The initial members of the Sunflower Administrative Committee and their respective alternates shall hold office for a term beginning on the date designated by the Commissioner, and ending on or before December 31, 2004. As to the first Committee appointed after such date, specific positions will be for one year, other positions will be for two and three years each, to enable the orderly transition of board turnover. Each member and alternate selected thereafter shall serve for three (3) years. Successive terms are allowed. It is the intent of this order that terms of office shall conform to the order's fiscal year, as determined by the Commissioner. Terms shall begin on the first day of a fiscal year, and shall end on the last day of the appropriate fiscal year thereafter. If the Commissioner changes the dates of the fiscal year, the terms of office of incumbent committee members shall be adjusted accordingly, whether this adjustment shortens or lengthens any term. The terms of incumbent committee members which were due to expire at the end of the then current fiscal year shall expire on the day preceding the first day of the next fiscal year, as changed, and the terms of all other incumbent members shall expire at the end of the appropriate fiscal year, as changed, depending on the time remaining in their terms. No such adjustment shall shorten or lengthen any incumbent's term of office by more than six months.

(h) ALTERNATE MEMBERS OF THE SUNFLOWER ADMINISTRATIVE COMMITTEE

An alternate for a member shall act in the place and stead of each member during such member's absence or in the event of death, removal, resignation or disqualification of such member, until a successor for such member is selected and has qualified.

(i) VACANCIES

To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate for a member of the Sunflower Administrative Committee, or in the event of death, removal, resignation or disqualification of any member or of any alternate, nominations and selection to fill such vacancy shall be made in the manner set forth in this Section.

(j) COMPENSATION AND EXPENSES

Each member and each alternate serving in place of a member of the Sunflower Administrative Committee may receive compensation either through per diem or the member may be reimbursed for necessary expenses, actually incurred, in attending each meeting.

(k) POWERS AND DUTIES

The Sunflower Administrative Committee shall have the following powers and duties:

(1) To employ necessary personnel, including an attorney approved by the Attorney General of the State of Colorado, to fix its compensation and terms of employment, and to incur such expenses to be paid from monies collected as herein provided, as may be necessary and proper to enable such Sunflower Administrative Committee to perform properly such of its duties as are authorized therein;

(2) To recommend administrative rules and regulations relating to the administration of the terms and provisions hereof;

(3) To receive and report to the Commissioner complaints of violations hereof;

(4) To recommend to the Commissioner amendments to this Order;

(5) To submit to the Commissioner for his approval an estimated budget of expenses necessary for the operation hereof; the amount of assessment and a method of collecting such assessment as are necessary for the administration hereof;

(6) To assist in the collection of such necessary information and data as the Commissioner may deem necessary to the proper administration hereof;

(7) To act as intermediary between the Commissioner and any producer, distributor, processor or handler;

(8) To keep minutes, books and records which will clearly reflect all of the acts and transactions of the Sunflower Administrative Committee, which minutes, books and records shall be subject at any time to examination by the Commissioner or any producer during any business hours;

(9) To cause the books of the Sunflower Administrative Committee to be audited by a competent accountant at least once each fiscal year, and at such times as the Sunflower Administrative Committee may deem necessary or as the Commissioner may request, and to file with the Commissioner copies of any and all reports;

(10) To give the Commissioner the same notice of all meetings of the Sunflower Administrative Committee as given to the members;

(11) To select a chairman, a secretary and such other officers as it may deem advisable; and the Sunflower Committee shall adopt such rules, not inconsistent with the provisions hereof, relative to the methods of conducting its business, as it may deem advisable;

(12) To perform such duties as may be assigned to it from time to time by the Commissioner in connection with the administration thereof;

(13) To cooperate with the United States Department of Agriculture for the purpose of

obtaining uniformity of administration in any marketing order affecting the commodity regulated hereunder;

(14) To cooperate with the state Extension Service, Experiment Station, or any other department of Colorado State University, or any other federal or state agency, or any firm, association, corporation or private individual for the purpose of promotion and utilization of sunflower;

(15) To provide support in establishing processing plants or assist with necessary arrangements with persons or companies for the processing of sunflower.

(l) PROCEDURE

(1) The Sunflower Administrative Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A majority of all members shall be necessary to constitute a quorum of the respective Sunflower Administrative Committee.

(2) For any decision of the Sunflower Administrative Committee to be valid, a concurring vote of a majority of all members voting shall be necessary. Except as provided herein, each member, or alternate member when acting as a member, shall vote in person.

(3) The Sunflower Administrative Committee may provide for the members thereof, including the alternate members when acting as members, to conduct meetings by telephone, or any other means of communication, and any vote cast at such meeting shall be confirmed promptly in writing, provided that in any assembled meeting so held all votes shall be cast in person.

(m) FUNDS AND OTHER PROPERTY

(1) All funds received by the Sunflower Administrative Committee, pursuant to any of the provisions hereof, shall be deposited in a bank, or banks, or other depository approved by the State Treasurer, and shall be used solely for the purposes herein specified. The Sunflower Administrative Committee shall account to the Commissioner for all funds so received; all expenditures by the Sunflower Administrative Committee shall be audited at least annually and a copy of such audit shall be delivered within thirty (30) days after completion thereof to the Commissioner of Agriculture.

(2) Whenever any person ceases to be a Sunflower Administrative Committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Commissioner may designate and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all property, funds or claims vested in such member or alternate.

SECTION III

RESEARCH, ADVERTISING, SALES PROMOTION AND EDUCATIONAL PROGRAMS

(a) RECOMMENDATION

(1) Research programs. Whenever the Sunflower Administrative Committee deems it advisable that a program in the field of research be established for the improvement of marketing, production, insect control, disease control, handling, harvesting, storing, transporting, processing and/or utilization of sunflower, it may submit to the Commissioner a recommendation for the establishment of such program and the information upon which such recommendation is based. At such time, the Committee shall also submit a detailed description of such proposed program, together with a budget of the expenses that will necessarily be incurred in connection with the execution, operation and administration of such program, and a rate of assessment, based upon the gross quantity of sunflower handled, to be levied against each producer for the purpose of providing a fund to defray such expenses.

(2) Advertising, sales promotion and educational plans. Whenever the Sunflower Administrative Committee deems it advisable that a plan be established for advertising, sales promotions or educational programs to create new or larger markets for sunflower produced in Colorado, it may submit to the Commissioner recommendations for the establishment of such plans and the information upon which such recommendations are based. At the time of submitting such recommendations and information, the Committee shall prepare and submit therewith a detailed description of such proposed plans, together with a budget of the expenses that will necessarily be incurred in connection with the execution, operation and administration of such plans and rate of assessment, based upon the gross quantity of sunflower handled, to be levied against each producer, for the purpose of providing a fund to defray such expenses. Educational programs may include, but shall not be limited to: advertising, personal contacts, exhibits and samples; spelling out the sunflower growers' problems to the general public; educational programs to inform consumers, school children, etc., to encourage consumption of sunflower in various products; informing the farmers and aiding them in analyzing their own problems.

(b) ESTABLISHMENT

Whenever the Commissioner finds from the recommendation and information submitted by the Sunflower Administrative Committee, or from other available information, that the establishment of research, advertising, sales promotion and educational programs will tend to effectuate the declared purposes of the Act, he shall approve such programs and/or plans based upon the programs and/or plans submitted and recommended by the Sunflower Administrative Committee.

(c) FUND FOR EXPENSES AND RATE OF ASSESSMENT

(1) Upon the issuance of any such program or plan, the Commissioner may approve a budget and rate of assessment based upon the recommendation and information submitted in connection therewith by the Sunflower Administrative Committee, and shall promptly notify the Sunflower Administrative Committee of his action thereon.

(2) Each producer's pro-rata share of the expenses that may be incurred during a fiscal year in connection with any such program or plan established pursuant to this section shall be based upon the rate of assessment approved by the Commissioner and shall be that proportion of such expenses which the total quantity of sunflower sold by each producer during such fiscal year is of the total quantity of all sunflower sales by all producers during said fiscal year and shall be remitted by such producer as otherwise provided in Section IV(c).

(3) The rate of assessment may be adjusted from time to time by the Commissioner as he

finds necessary to defray the estimated or actual expenses which may be incurred in connection with any such program or plan.

SECTION IV

EXPENSES AND ASSESSMENTS

(a) EXPENSES

The Sunflower Administrative Committee is authorized to incur such expenses as the Commissioner finds are reasonable and likely to be incurred by such Sunflower Administrative Committee for the maintenance and functioning hereunder during the then current fiscal year. No later than thirty (30) days prior to the beginning of the fiscal year, the Sunflower Administrative Committee shall prepare and submit to the Commissioner a proposed budget of expenses and a proposed rate of assessment for each fiscal year. The funds to cover such expenses shall be acquired by levying of assessments as provided in this Section.

(b) ASSESSMENTS

Each producer's pro-rata share shall be based upon the rate of assessment fixed by the Commissioner and shall be that proportion of such expenses which the total quantity of sunflower sold by such producer is of the total quantity of sunflower sold by all producers during said fiscal year. No assessments covering the budgets established by the Sunflower Administrative Committee under this Order shall exceed three cents (\$0.03) per hundredweight for sunflower seed produced in any one fiscal year in Colorado. All of this assessment levied shall be subject to refund pursuant to rules established by the Commissioner.

(c) COLLECTION OF ASSESSMENTS

(1) All assessments made and levied pursuant to the provisions of this marketing order shall be paid by the respective producers who shall be primarily liable therefor. Such assessments shall be collected from the producers by the first handler thereof, warehouse, or elevator operator, and such handler shall remit to the Commissioner upon demand all assessments so collected. Any handler who fails or neglects to collect such assessment from any producer or to remit such collection to the Commissioner as herein provided shall be deemed guilty of a violation of this Order.

(2) In case of a pledge or mortgage of sunflower as security for a loan made privately under a Federal Price-Support Program, the assessment shall not be deducted from the proceeds of such loan at the time of the disbursement of the loan, but shall be paid at the time of sale or forfeiture. In case of an overage of sunflower at the time of the settlement of the loan, the assessment shall be paid on the overage. In case of a shortage at the time of settlement of the loan, the over-payment will be credited to the producer's account. In case of purchase agreements under the Federal Price-Support Program, the assessment shall be made at the time of final settlement. Sunflower stored in private or public storage within the State shall not be liable for assessment until sale is made or loan secured.

(3) Any producer who by virtue of his activities or circumstances shall be within the meaning of the term "handler" as herein defined, or who shall sell, ship, or otherwise dispose of sunflower to a handler or other person or store sunflower outside the jurisdiction of this Order, shall forthwith remit (or have remitted on his behalf) to the Commissioner the full amount of the assessment due. Any producer who fails to pay or remit such assessment as herein provided shall be deemed guilty of a violation of this Order.

(4) The Sunflower Administrative Committee, with the approval of the Commissioner, shall establish methods and procedures for the collection of assessments. Procedures to collect assessments from handlers located outside the State of Colorado shall be established by the Commissioner, after recommendations by the Sunflower Administrative Committee.

SECTION V

PRODUCER ACCOUNTS – ACCOUNTS CREDITED OR DEBITED

At the end of each fiscal year, the Sunflower Administrative Committee shall credit each producer with any amount paid by such producer in excess of his pro-rata share of the expenses, or shall debit such producer with the deficiency between his pro-rata share and the amount paid by such producer. Any such debits shall become due and payable upon demand of the Sunflower Administrative Committee.

SECTION VI

DEPOSITS

(a) DEPOSITS AND DISBURSEMENTS

Any monies collected by the Commissioner, or his designated representative, pursuant to this Act shall be disbursed by the Commissioner, or his designated representative, only for the necessary expenses incurred by the Sunflower Administrative Committee. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the Commissioner.

(b) DISTRIBUTION OF FUNDS REMAINING

Any monies remaining in such fund, at the discretion of the Commissioner, may be refunded at the close of any marketing season upon a pro-rata basis, to all persons from whom assessments are collected, or such portion of such monies as may be recommended by the Sunflower Administrative Committee and approved by the Commissioner may be carried over into the next succeeding marketing season whenever the Commissioner finds that such monies may be required to assist in defraying the cost of operating this Order in such succeeding season, provided, that upon termination by the Commissioner of this marketing order, any and all monies remaining and not required by the Commissioner to defray the expenses of this marketing order, shall be returned by the Commissioner upon a pro-rata basis, to all persons from whom assessments were collected; provided, further, however, that if the Commissioner

finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro-rata refund to such persons, the Commissioner may use the monies in such fund to defray the expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing order for such commodity.

SECTION VII

REPORTS AND RECORDS

The Commissioner may require any and all handlers to maintain books and records reflecting their operations as such and to furnish to the Commissioner, or his duly authorized or designated representatives, such information as may be from time to time requested by them relating to such operations, and to permit the inspection by said Commissioner or his designated representatives of such portions of such books and records as relate to such operations.

SECTION VIII

COMPLIANCE – SUNFLOWER NOT SUBJECT TO REGULATION

Nothing contained herein shall be construed to authorize any limitation of the right of any person to ship sunflower for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency, not including purchases by a federal agency.

SECTION IX

LIABILITY

The members of the Sunflower Administrative Committee duly appointed by the Commissioner, including employees of such Sunflower Administrative Committee, shall not be held responsible individually in any way whatsoever to any producer, distributor or handler, or to any other person, for errors in judgment, mistakes or other acts -- either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of such Sunflower Administrative Committee. The liability of the members of such Sunflower Administrative Committee shall be several and not joint, and no member shall be liable for the default of any other member.

SECTION X

EFFECTIVE TIME AND TERMINATION

(a) EFFECTIVE TIME

The provisions hereof shall become effective at such times as the Commissioner may declare above his signature attached hereto and shall continue in force until terminated as specified in this section.

(b) TERMINATION

(1) The Commissioner shall suspend, amend or terminate any provision hereof whenever he finds that such provision does not tend to effectuate the declared purposes of the Act within the standards and subject to the limitations therein imposed, provided that such suspension or termination shall not be effective until the expiration of the then current marketing season.

(2) If the Commissioner finds that the termination hereof is requested in writing by more than fifty (50) percent of the producers who are engaged within the portion of the State covered by this Order, in the production for market of sunflower, or who produced for market more than fifty (50) percent of the volume of sunflower produced within this section of the State, the Commissioner shall terminate the provisions hereof provided that such termination shall be effective only if announced on or before September 1 of the then current marketing period.

(3) The provisions hereof shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

(c) PROCEEDING AFTER TERMINATION

(1) Upon the termination of the provisions hereof, the Commissioner may appoint the members of the Sunflower Administrative Committee then functioning to continue as joint trustees for the purpose of liquidating the affairs of the Sunflower Administrative Committee of all property then in the possession or under the control of the Sunflower Administrative Committee, including property not delivered at the time of such termination.

(2) The trustees may continue in such capacity until discharged by the Commissioner and shall from time to time account for all receipts and disbursements or deliver all funds and property on hand, together with all books and records of the Sunflower Administrative Committee and the joint trustees to such person as the Commissioner may direct; and shall, upon request of the Commissioner, execute such assignment so other instruments necessary or appropriate to vest in such person full title to all funds and claims vested in the Sunflower Administrative Committee or the joint trustees pursuant hereto.

(3) Any person to whom funds, property or claims have been delivered by such joint trustees, upon the discretion of the Commissioner, as provided in this paragraph, shall be subject to the same obligations and duties with respect to said funds, property or claims as are imposed upon the joint trustees.

SECTION XI

EFFECT OF TERMINATION ON AMENDMENTS

Unless otherwise expressly provided by the Commissioner, the termination hereof or of any regulation

issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Commissioner or of any other person with respect to any such violation.

SECTION XII

DURATION OF IMMUNITIES

The benefits, privileges and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SECTION XIII

AGENTS

The Commissioner may, by designation in writing, name any person, including any officer or employee of the Colorado Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SECTION XIV

SEPARABILITY

If any provision hereof is declared invalid, or the applicability thereof to any person, circumstances or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstances or thing shall not be affected thereby.

SECTION XV

DEROGATION

Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Commissioner or the State of Colorado to exercise any powers granted by the Act, or otherwise, or in accordance with such powers, to act in the premises whenever such notice is deemed advisable.

