

STATE OF COLORADO

DEPARTMENT OF AGRICULTURE
1525 SHERMAN STREET
DENVER, COLORADO 80203

MARKETING ORDER REGULATING THE HANDLING OF EDIBLE DRY BEANS
PRODUCED IN THE STATE OF COLORADO

Whereas, it is provided in The Colorado Agriculture Marketing Act of 1939 (the "Act"), Title 35, Article 28, Colorado Revised Statutes et. seq, as follows:

35-28-105 (1). The Commissioner of Agriculture shall administer and enforce the provisions of this article 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 article, the Commissioner of Agriculture is hereby authorized to issue, administer, and enforce the provisions of marketing orders.

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

(3) 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 article 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.

(4) In order to effectuate the declared policy of this article, the Commissioner has 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 article. 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 a concurrent hearing upon a proposed marketing agreement and a proposed

marketing order in the manner provided for giving notice and opportunity for hearing for a marketing order as provided in this article;
and

WHEREAS, the Commissioner of Agriculture having reason to believe that the issuance of a Bean Marketing Order would tend to effectuate the declared policy of the Act with respect to dry edible beans produced in Colorado, pursuant to the provisions of the Act, gave due notice thereof and held public hearings, covered by this order during the weeks of March 22nd and 29th, 1988; and WHEREAS, the Commissioner of Agriculture finds, pursuant to the provisions of said Act, that the marketing order regulating the handling of dry edible beans produced in the State of Colorado will tend to:

Reestablish or maintain prices received by producers of dry edible beans at the level which will give to such dry edible beans a purchasing power, with respect to the articles and services which farmers commonly buy, equivalent to the purchasing power of such dry edible beans in the base period.

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

Protect the interests of consumers of such dry edible beans, by exercising the powers of this Act only to such extent as is necessary to establish the equality of purchasing power described in subsection (l) 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 38-38-106(2) of the Act; and WHEREAS, this Marketing Order regulating the handling of dry edible beans produced in the state of Colorado, embraces all persons of a like class in the state of Colorado 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 dry edible beans produced in the State of Colorado, from and after July 1, 1988, 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 the Colorado Agricultural Marketing Act or 1939, Title 35, Article 28, Colorado Revised Statutes, as amended.
- (b) "COMMISSIONER" means the Commissioner of Agriculture for the state of Colorado or his designee.

- (c) "DRY EDIBLE BEANS" means and includes all classes and all varieties of dry edible beans produced in the state of Colorado for human consumption; does not include dry edible beans produced for seed certification.
- (d) "BEAN ADMINISTRATIVE COMMITTEE" OR "COMMITTEE" shall mean the "Board of Control" established pursuant to Section II herein.
- (e) "DISTRICT" means any of the areas of the State of Colorado which are defined in Section II, paragraph (b).
- (f) "FISCAL YEAR" means the period beginning and ending on the approved by the Commissioner pursuant to recommendations by the Administrative Committee.
- (g) "HANDLER" means any person engaged in the operation of selling, shipping, cleaning, packaging and/or distributing dry edible beans which he has purchased or acquired from a producer, or which he is shipping on behalf of a producer.
- (h) "PERSON" means an individual, partnership, corporation, association, or organized group of individuals.
- (i) "PRODUCER" means any person who is engaged in the business of producing or causing to be produced for market dry edible beans that are produced in the state of Colorado.
- (j) "SELL" means a transaction wherein the ownership of dry edible beans is transferred from the producer to a purchaser for a consideration. "Sell", as used in this Order, shall include any pledge or mortgage of dry edible beans to any person, public or private, and/or any agreement to acquire such ownership for consideration.
- (k) "SHIP" means to sell, transport, offer for transportation, or ship dry edible beans by any means whatsoever.
- (l) "MARKETING CLASS" means a type of dry edible beans having similar characteristics.

SECTION II

BEAN ADMINISTRATIVE COMMITTEE

(a) MEMBERSHIP AND ORGANIZATION

A Bean Administrative Committee consisting of nine (9) member positions is hereby established. There shall be an alternate for each member of the Bean Administrative Committee. The members and alternates of the Committee shall be appointed by the Commissioner from nominations submitted by dry edible bean producers and handlers; as described below.

The nine positions on the Bean Administrative Committee shall be filled as follows:

- Position No. 1: Producer Member and Alternate from District 1
- Position No. 2: Producer Member and Alternate from District 1
- Position No. 3: Handler Member and Alternate from District 1
- Position No. 4: Handler Member and Alternate from District 2
- Position No. 5: Producer Member and Alternate from District 2
- Position No. 6: Producer Member and Alternate from District 2
- Position No. 7: Producer Member and Alternate from District 3
- Position No. 8: Handler Member and Alternate from District 3
- Position No. 9: Producer Member and Alternate from District 3

(b) "REPRESENTATIVE DISTRICTS FOR MEMBERS OF ADMINISTRATIVE COMMITTEE"

For the purpose of the nomination and appointment of producer members of the Bean Administrative Committee, the state of Colorado shall be divided into three (3) representative districts as follows:

District No. 1: Includes and consists of the counties of Mesa, Delta, Montrose, San Miguel, Dolores, Montezuma, La Plata, San Juan, Archuleta, Conejos, Costilla, Alamosa, Rio Grande, Mineral, Saguache, Hinsdale, Ouray, Gunnison, Pitkin, Eagle, Garfield, Rio Blanco, Moffat, Routt, Jackson, Summit and Grand.

District No. 2: Includes and consists of the counties of Weld, Larimer, Morgan, Logan, Boulder and Adams.

District No. 3: Includes and consists of the counties of Sedgwick, Phillips, Washington, Yuma, Kit Carson and Cheyenne, Gilpin, Clear Creek, Jefferson, Douglas, Teller, Park, Lake, Chaffee, Fremont, Custer, Huerfano, Las Animas, Pueblo, El Paso, Elbert, Arapahoe, Denver, Lincoln, Otero, Bent, Prowers, Kiowa, Baca and Crowley.

Districts, the distribution of representation among the districts and the number of member positions may be reestablished by the Commissioner upon Committee recommendations. In recommending any such changes, the Committee shall consider (1) the relative importance of new producing sections, (2) relative production, (3) the geographic locations of producing sections as they would affect the efficiency of administration of this Order, and (4) other relevant factors.

(c) NOMINATION OF ADMINISTRATIVE COMMITTEE MEMBERS

(1) The producers in each district shall nominate a member and an alternate for district at a district meeting at least thirty (30) days prior to the beginning of the fiscal year.

(2) Only producers shall participate in an election of the nominees for producer members and alternates to represent them on the Colorado Bean Administrative Committee. In any such election, each producer shall be entitled to cast one (1) vote for each position involved, whether such producer is an individual, a partnership, a corporation, or any other entity. Cumulative or proxy voting shall not be allowed.

(3) Only handlers shall participate in an election of the nominees for handler members and alternates to represent them on the Colorado Bean Administrative Committee. In any such election, each handler shall be entitled to cast one (1) vote for each position involved and shall be entitled to vote in one district only, whether such handler is an individual, a partnership, a corporation, or any other entity. A handler can have only one (1) representative serving on the nine (9) member administrative committee at any one time. Cumulative or proxy voting shall not be allowed.

(4) The respective districts shall be represented on the Bean Administrative Committee by two (2) producer members and two (2) producer alternates and one (1) handler member and one (1) handler alternate.

(d) ELIGIBILITY FOR BOARD MEMBERSHIP

Members and alternates of the Bean Administrative Committee must be residents and either a producer or handler of dry edible beans in the district in and for which they are nominated and appointed.

(e) ACCEPTANCE BY MEMBERS AND ALTERNATES

Any person appointed by the Commissioner as a member or as an alternate of the Bean Administrative Committee shall qualify within fifteen (15) days after being notified of such appointment.

(f) TERM OF OFFICE

The initial members of the Bean Administrative Committee and their respective alternates shall hold office for a term beginning on the date designated by the Commissioner. As to the first Committee appointed, the members and alternates holding positions 1, 4, and 7 shall serve for one (1) year; those holding positions 2, 5, and 8 shall serve for two (2) years; and those holding positions 3, 6, 9 shall serve for three (3) years. Each member and alternate selected to serve successive terms shall serve for three (3) years. 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 and alternates shall be adjusted accordingly, whether this adjustment shortens or lengthens any term. The term of incumbent committee members and alternates 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 and alternates 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.

(g) VACANCIES

To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate of the Bean Administrative Committee, or in the event of death, removal, resignation, or disqualification of any member or alternate, nominations and appointment to fill such vacancy shall be made in the manner set forth in this Section. The Commissioner shall appoint a person, up until completion of the vacant term, with the same qualifications as the initial appointee.

(h) ALTERNATE MEMBERS OF THE BEAN 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 appointed and qualified.

(h) COMPENSATION AND EXPENSES

The members and each alternate serving in place of a member of the Committee shall receive no compensation for their services, but each member and each alternate serving in place of a member of the Committee may receive compensation either through per-diem or reimbursement for necessary expenses, actually incurred, or both, in attending each meeting.

(i) POWERS AND DUTIES

By virtue of the authority delegated to the Bean Administrative Committee by the Commissioner, and acting in his behalf, the said Administrative Committee shall have the following powers and duties, subject to the approval of the Commissioner:

- (1) To administer this Marketing Order.
- (2) To employ necessary personnel, including an attorney approved by the Attorney General of the State of Colorado, to fix their compensation and terms of employment, and to incur such expenses to be paid from monies pursuant to this order and the Act, as may be necessary and proper to enable such Bean Administrative Committee to perform properly such of its duties as are authorized herein.

- (3) To recommend to the Commissioner administrative rules and regulations relating to the administration of this marketing order.
- (4) To receive and report to the Commissioner complaints of violations of this marketing 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 act as intermediary between the Commissioner and any producer, distributor, or handler as to the resolution of issues arising in connection with the administration of this marketing order.
- (7) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the Bean Administrative Committee, which minutes, books, and records shall be subject at any time to examination by the Commissioner or any handler or producer during any business hours.
- (8) To cause the books of the Committee to be audited by a competent accountant at least once each fiscal year, and at such times as the Committee may deem necessary or as the Commissioner may request, and to file with the Commissioner copies of any and all reports.
- (9) To give the Commissioner the same notice of all meetings of the Bean Administrative Committee as given to the members.
- (10) To select a chairman, secretary, and such other officers as it may deem advisable; and the Committee shall adopt such rules, not inconsistent with the provisions hereof, relative to the methods of conducting its business, as it may deem advisable.
- (11) To perform such duties as may be assigned to it from time to time by the Commissioner in connection with the administration thereof.
- (12) To cooperate with the United States Department of Agriculture for the purpose of obtaining uniformity of administration in any marketing order affecting dry edible beans produced in Colorado.
- (13) 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, corporation, or private individual for the purpose of promotion, education and research of dry edible beans and products.

(j) PROCEDURE

(1) The Bean 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 Bean Administrative Committee.

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

(3) The Bean Administrative Committee may provide for the members thereof to conduct meetings by telegraph or 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.

(k) FUNDS AND OTHER PROPERTY

(1) All funds received by the Bean 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 Committee shall account to the Commissioner for all funds so received; all expenditures by the 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 state attorney and the Commissioner of Agriculture.

(2) Whenever any person ceases to be a 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.

(l) RIGHTS OF COMMISSIONER

The members and alternates of the Bean Administrative Committee, including successors and any agent or employee appointed or employed by any Committee shall be subject to removal or suspension by the Commissioner for cause at any time. Each and every regulation, decision, determination, or other act of the Committee shall be subject to the continuing right of the Commissioner to approve or disapprove of the same at any time, and upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Commissioner.

SECTION III

EDUCATION, PROMOTION; RESEARCH PROGRAMS

(a) RECOMMENDATION

(1) Research and Education Programs. Whenever the Bean Administrative Committee deems it advisable that a program in the field of research and/or education be established for the improvement of production, seed type, insect control, disease control, weed control, handling, harvesting, storing, transporting, processing and/or utilization of dry edible beans, 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 dry edible beans handled, to be levied against each producer and handler for the purpose of providing a fund to defray such expenses.

(2) Promotion Plans. Whenever the Bean Administrative Committee deems it advisable that a plan be established for promotion to create new or larger markets for dry edible beans produced in Colorado, it may submit to the Commissioner a recommendation for the establishment of such plan and the information upon which such recommendation is based. At the time of submitting such recommendation and information, the Committee shall prepare and submit therewith a detailed description of such proposed plan, together with a budget of the expenses that will necessarily be incurred in connection with the execution, operation, and administration of such plan and rate of assessment, based upon the gross quantity of dry edible beans handled, to be levied against each producer and handler, for the purpose of providing a fund to defray such expenses.

(b) ESTABLISHMENT

Whenever the Commissioner finds from the recommendation and information submitted by the Bean Administrative Committee, or from other available information, that the establishment of a research program and/or an advertising and sales promotion plan will tend to effectuate the declared purposes of the Act, he shall prepare and issue such program and/or a plan based upon the program and/or plan submitted and recommended by the 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 Bean Administrative Committee, and shall promptly notify the Committee of his action thereon.

(2) Each producer's and handler'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 dry edible beans sold or handled by each producer or handler, respectively, during such fiscal year is of the total quantity of all dry edible bean transactions by all producers and handlers during said fiscal year and shall be remitted by such producer and handler as otherwise provided in Section V(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 Bean Administrative Committee is authorized to incur such expenses as the Commissioner finds are reasonable and likely to be incurred by such Committee for its maintenance and functioning hereunder. No later than thirty (30) days prior beginning of each fiscal year, the Committee shall prepare and submit to the Commissioner a proposed budget of expenses and a proposed rate of assessment for such fiscal year. The funds to cover such expenses shall be acquired by levying of assessments as provided in this Section.

(b) ASSESSMENTS

There is hereby levied on all dry edible beans subject to the provisions of this marketing order, an assessment, to raise funds to cover the expenses described above. The rate of assessment shall be established by the Commissioner and may be changed from time to time. Each producer's and handler'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 dry edible beans sold or handled by such producer or handler, respectively, is of the total quantity of dry edible beans sold or handled by all producers or handlers, respectively, during said fiscal year. No assessments covering the budgets established by the Committee under this Order shall exceed four (4) cents per hundredweight from producers, and two (2) cents per hundredweight from handlers, of dry edible beans produced in any one (1) fiscal year in Colorado. Any producer may request and receive a refund of assessments paid pursuant to regulations 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 and handlers, who shall be primarily liable therefore for their portion. Such assessments shall be collected from the producers by the first handler thereof, and such handler shall remit to the Commissioner all assessments, along with their respective portion of the assessment, so collected. Any handler within the state of Colorado who fails or neglects to collect such assessment from any producer and/or to remit such collection, along with their portion of the assessment, 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 dry edible beans as security for a loan made privately under a Federal Price-Support program, the assessment shall be deducted from the proceeds of such loan at the time of the disbursement of the loan. In case of an overage of dry edible beans 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 a Federal Price-Support Program, the assessment shall be made at the time of final settlement. Dry edible beans 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 is a "handler" as herein defined, or who shall sell, ship, or otherwise dispose of dry edible beans to a handler or other person or store dry edible beans outside the jurisdiction of this Order, shall forthwith remit 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.

S E C T I O N V

(a) ACCOUNTS CREDITED OR DEBITED

The Bean Administrative Committee shall maintain adequate records to provide for the distribution of funds in the event of termination of the Order or on the event that the Commissioner orders funds to be refunded.

S E C T I O N V I

DEPOSITS

(a) DEPOSITS AND DISBURSEMENTS

Any monies collected by the Commissioner to this marketing order shall be deposited in a bank or banks, or other depository, approved by the State Treasurer, allocated to this marketing order, and disbursed by the Commissioner only for the necessary expenses incurred by the Bean Administrative Committee and the Commissioner and approved by the Commissioner. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the Commissioner; all such expenditures by the Commissioner shall be audited at

least annually, and a copy of such audit shall be delivered with in thirty (30) days after the completion thereof to the Governor and the Commissioner of Agriculture.

(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 pro-rata basis, to all persons from whom assessments are collected, or such portion of such monies as may be recommended by the Bean 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 producers and 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 operation.

SECTION VIII

DRY EDIBLE BEANS NOT SUBJECT TO ASSESSMENT

Nothing contained herein shall be construed to authorize any limitation of the right of any person to ship dry edible beans for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency, not including purchases by an agency of the United States Government. Any dry edible beans so shipped shall be exempt from assessment under this marketing order.

SECTION IX

LIABILITY

The members and alternates of the Bean Administrative Committee duly appointed by the Commissioner, including employees of such Bean Administrative Committee, shall not be held responsible individually in any way whatsoever to any producer, processor, 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 or alternate of such Bean Administrative Committee. The liability of the members and alternates of such Bean Administrative Committee shall be several and not joint, and no member or alternate shall be liable for the default of any other member or alternate.

SECTION X

EFFECTIVE DATE AND TERMINATION

(a) EFFECTIVE DATE

The provisions hereof shall become effective at such date 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 and restrictions 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 in the State, in the production for market of dry edible beans, or who produced for market more than fifty (50) percent of the volume of dry edible beans produced in the State the Commissioner shall terminate the provisions hereof, provided that such termination shall be effective only if announced on or before the end of the fiscal year of the then current marketing period
- (3) The provisions hereof shall, in any event, terminate whenever the provision 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 Bean Administrative Committee then functioning to continue as joint trustees for the purpose of liquidating the affairs of the Bean Administrative Committee of all property then in the possession or under the control of the Bean 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 Bean Administrative Committee and the joint trustees to such person as the Commissioner may direct; and shall, upon request of the Commissioner, execute such assignments so other instruments necessary or appropriate to vest in such person full title to all funds and claims vested in the Bean Administrative Committee of 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.

S E C T I O N X I

EFFECT OF TERMINATION OR 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.

S E C T I O N X I I

MISCELLANEOUS PROVISIONS

(a) 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 thereof.

(b) 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.

(c) SEVERABILITY

In the event that a court of competent jurisdiction holds that any provision hereof is invalid, or that the applicability thereof to any person, circumstances, or thing is invalid, the validity of the remaining provision hereof or the applicability thereof to any other person, circumstances, or thing shall not be affected thereby.

(d) 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.

NOTICE OF ISSUANCE

Pursuant to the Agricultural Marketing Act of 1939, Article 28 of Title 35, c.r.s., I, Steven W. Horn, Deputy Commissioner of Agriculture of the State of Colorado, and to the authority vested in me by the Act, do hereby execute, issue and publish amendments to the marketing order for dry edible beans produced in this state, at my office in Denver, Colorado, this 18th day of August 1988, A.D. The amendments will allow the counties of Pueblo and Morgan to be placed in specific districts in the marketing order and do declare that I have this day posted a notice of the issuance of this Order on a public bulletin board in my office. A copy of said notice is hereby ordered to be published on this date in the Rocky Mountain News, a newspaper of general circulation published at Denver, Colorado. Therefore, this Order shall be in full force and effect, as amended, on and after 12:01 A.M. (Mountain Daylight Time), September 1, 1988, A. D.

Steven W. Horn
Deputy Commissioner of Agriculture
State of Colorado

STATE OF COLORADO
COLORADO DEPARTMENT OF AGRICULTURE

MARKETING ORDER REGULATING THE HANDLING OF DRY EDIBLE
BEANS GROWN IN THE STATE OF COLORADO

I hereby certify that this document is a true and correct copy of the said Marketing Order as issued by the Commissioner of Agriculture of the State of Colorado, on July 1, 1988, and amended on September 1, 1988.

IN WITNESS WHEREOF, I have hereunto set
my hand this 4th day of May, 1989.

Steven W. Horn
Acting Commissioner of Agriculture
State of Colorado