

STATE OF COLORADO

COLORADO DEPARTMENT OF AGRICULTURE

**MARKETING ORDER REGULATING THE HANDLING OF SWEET CORN
PRODUCED AND/OR SHIPPED FROM DELTA AND MONTROSE COUNTIES
IN THE STATE OF COLORADO**

I hereby certify that this document is a true and correct copy of the said Marketing Order as originally issued by the Commissioner of Agriculture of the State of Colorado on February 25, 1988, and as amended on January 3, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand this
3rd day of January, 2019.



Don Brown
Commissioner of Agriculture
State of Colorado

STATE OF COLORADO
DEPARTMENT OF AGRICULTURE
305 INTERLOCKEN PARKWAY
BROOMFIELD, COLORADO 80021

MARKETING ORDER REGULATING THE HANDLING OF SWEET CORN PRODUCED
AND/OR SHIPPED FROM DELTA AND MONTROSE COUNTIES IN THE
STATE OF COLORADO

WHEREAS, the Commissioner of Agriculture of the State of Colorado, having reason to believe that the issuance of Sweet Corn Marketing Order would tend to effectuate the declared purposes of the Colorado Agricultural Marketing Act of 1939, 35-28-101, et seq., Colorado Revised Statutes, pursuant to this Act gave due notice thereof and held a public hearing on behalf of a Sweet Corn Marketing Order on February 25, 1988; and

WHEREAS, a referendum was held during the period April 25, 1988 until May 6, 1988, in which more than two-thirds (2/3) of the voters who produced more than two-thirds (2/3) of the volume voted in the referendum favored adoption of a Marketing Order; and

WHEREAS, the Commissioner of Agriculture finds, pursuant to the provisions of said Act, that this Marketing Order promoting the marketing of sweet corn produced and/or shipped from Delta and Montrose Counties in the State of Colorado, will tend to:

- (1) Reestablish or maintain prices received by producers for sweet corn, at a level which will give to sweet corn a purchasing power, with respect to the articles and services which farmers commonly buy, equivalent to the purchasing power of sweet corn in the base period.
- (2) Approach such equality of purchasing power at as rapid a rate as is feasible in view of the market demand for sweet corn.
- (3) Prevent the unreasonable and unnecessary waste of agricultural wealth because of improper preparation of sweet corn for market, or excessive shipments to market.
- (4) Protect the interests of consumers of sweet corn exercising the powers of this Act only to the extent as is necessary to effectuate the declared purposes of this Act by assuring the consumer of an adequate supply of sweet corn at a reasonable cost; 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 the economic factors specified in Section 35-23-106 of the Act; and

WHEREAS, this Marketing Order promoting the marketing of sweet corn in Delta and Montrose counties, in the State of Colorado, embraces all persons of a like class who are engaged in the marketing of sweet corn;

NOW THEREFORE, it is ordered by the Commissioner, acting under the authority vested in him by the Act, that such marketing of sweet corn produced and/or shipped from Delta and Montrose counties, in the State of Colorado, from and after June 1, 1988, shall be in conformity to and in compliance with the terms and conditions of this Marketing Order.

SECTION I

DEFINITIONS

Definitions as used herein have the following meanings;

- A. "COMMISSIONER" means the Commissioner of Agriculture for the State of Colorado or his authorized agent.
- B. "ACT"; means Title 35, Article 28, Colorado Revised Statutes 1973, as amended.
- C. "PERSON" means an individual, partnership, corporation, association legal representative, or any organized group of individuals.
- D. "SWEET CORN" means all types of sweet corn grown in the area covered by this Marketing Order in the State of Colorado.
- E. "ADMINISTRATIVE COMMITTEE" means the Board of Control established pursuant Section II herein.
- F. "PRODUCER" means any person engaged in the business of producing or causing to be produced for market in excess of 600 boxes of sweet corn or its equivalent annually in the area covered by the Order.
- G. "HANDLER" means any person engaged in the operation of packing, grading, selling, offering for sale, or marketing sweet corn, or who as owner, agent, or otherwise ships or causes sweet corn to be shipped.
- H. "PRODUCER-HANDLER" means a producer who performs one or more of the functions of a handler.

- I. "TO HANDLE" means to engage in the business of a handler as herein defined.
- J. "SHIP" means to sell, transport, or offer for sale or transportation sweet corn produced in the area of the state covered by the Order, to a point or points outside of the area covered by the Order by any means whatsoever.
- K. "FISCAL PERIOD" means the period beginning and ending on the dates approved by the Commissioner pursuant to recommendations by the Administrative Committee.
- L. "SELL" means a transaction wherein the ownership in sweetcorn is transferred from the producer or handler to a purchaser for a consideration.

SECTION I I

SWEET CORN ADMINISTRATIVE COMMITTEE

For the administration of the business of the Sweet Corn Marketing Order during the period between its establishment and the first annual meeting, an interim Administrative Committee may be established by the Commissioner and shall consist of those persons appointed by the Commissioner. Thereafter, succeeding administrative committees shall be selected and appointed as described hereinafter in this Section.

A. ESTABLISHMENT AND MEMBERSHIP

An Administrative Committee is hereby established, consisting of five (5) members, four (4) of whom shall represent producers, and one (1) of whom shall represent handlers. There may be up to four (4) alternate producer members of the Administrative Committee, and one (1) alternate handler member. The members and alternates of the Sweet Corn Administrative Committee shall be appointed by the Commissioner from nominations submitted by the sweet corn producers and handlers, as described below.

B. REPRESENTATION FOR COMMITTEE MEMBERS

(1) PRODUCER MEMBERS

Four producer members shall be selected and four alternates may be selected at large from the area of the state covered by the Order.

(2) HANDLER MEMBERS

Handler members shall be selected and alternates may be selected at large from the area of the state covered by the Order.

C. NOMINATION AND SELECTION OF MEMBERS

(1) At least thirty (30) days prior to the end of the fiscal period, meetings shall be held for the purpose of selecting nominees for members and alternates to the Sweet Corn Administrative Committee.

(2) At each such meeting, one or more nominees shall be designated for each impending vacancy as a member or alternate. Such designation may be by ballot of those present and entitled to vote thereon.

(3) Only producers may participate in designating producer nominees; only handlers may participate in designating handler nominees.

(4) Each producer and each handler shall be entitled to cast only one (1) vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives. Two or more persons producing and marketing sweet corn jointly in any combination shall be considered one producer or one handler and shall have but one (1) vote. Proxy votes shall be prohibited.

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

D. EXPANSION OF AREA

Any county not included in this Order and wishing to come under the Order may, after holding a hearing and referendum wherein the Order has been approved by 66 2/3 percent of the production voted in such referendum, petition the Commissioner of Agriculture and the Sweet Corn Administrative Committee for admission under the Order. The county may have representation on the Sweet Corn Administrative Committee in accordance with the provisions of Sections II-B-2 and II-E-2.

E. RE-ESTABLISHMENT

(1) Districts and the distribution of representation among the districts may be reestablished by the Commissioner upon the Administrative 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.

(2) The composition of the Sweet Corn Administrative Committee may be re-established as to number of members or representation on the Committee by producers or handlers, by the Commissioner at any time upon recommendation of the Administrative Committee.

F. FAILURE TO NOMINATE

If nominations are not made pursuant to the provisions of Section II-C by the date provided therein, the Commissioner may, without regard to nominations, select members and alternates on the basis of the representation provided for in this Order.

G. QUALIFICATION BY MEMBERS

Any person selected by the Commissioner as a member or alternate of the Administrative Committee shall qualify therefor by filing a written acceptance with the Commissioner within fifteen (15) days after being notified of such selection.

H. TERM OF OFFICE

The term of office of each committee member and alternate shall be for three (3) years. The dates when the terms of offices begin and end shall be established by the Commissioner pursuant to Committee recommendations. Terms of offices of committee members and alternates shall be arranged so that approximately one-third shall terminate each year. Determination of which initial members shall serve for one, two or three years shall be by lot.

I. VACANCIES

To fill any vacancy occasioned by the failure of any person selected as a member or alternate to qualify, or in the event of the death, removal, resignation, or disqualification of a member or a successor for this unexpired term may be selected by the Commissioner from nominations made pursuant to Section II-C from previously non-selected nominees on the current nominee list, or from other eligible persons.

J. POWERS AND DUTIES

By virtue of the authority delegated to the Sweet Corn 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 and pay such expenses from monies collected as herein provided, as it may deem necessary and proper to enable the Administrative Committee to properly perform all its duties as authorized herein;
- (3) To determine the existence and extent of the surplus of sweet corn, or of any grade, size, or other classification or quality of sweet corn, for the control and disposition of such surplus, and for equalizing the burden of such surplus elimination or control among the producers, processors, distributors, or other handlers affected;
- (4) To limit the total quantity of any sweet corn, or of any grade, size, or other classification, or quality or portions or combinations of sweet corn, which may be processed, distributed, or otherwise handled by any persons engaged in such processing, distributing or during any specified period. The total quantity of any sweet corn so regulated and permitted to be processed, distributed, or otherwise handled shall not be less than the quantity which the commissioner finds is reasonably necessary to supply the market demand of consumers for sweet corn.
- (5) To allot the quantity of sweet corn, or of any grade, size, or other classification, or quality of sweet corn, which each handler may purchase or acquire from or handle on behalf of any producers thereof during any specified period under a uniform rule, applicable to all handlers so regulated, based upon the amounts produced or sold by such producers in a prior period which the Commissioner finds to be representative, or upon the current season's production or sales of sweet corn, or both, to the end that the total quantity of sweet corn, or

of any grade, size, or other classification, or quality or portions or combinations of sweet corn purchased or handled shall be apportioned equitably among the producers thereof.

(6) To allot the quantity of sweet corn, or of any grade, size, or other classification, or quality or portions or combinations of sweet corn, which each handler may process, distribute, or handle under a uniform rule, applicable to all handlers so regulated, based upon quantities of sweet corn or of any grades, size, or other classification, or quality of sweet corn of the current season's crop which each such handler has available for such processing, distribution, or handling, or upon the quantities of sweet corn or of any grade, size, or other classification, or quality of sweet corn, so processed, distributed, or handled by each such handler in a prior period which the Commissioner finds to be representative, or based upon both, to the end that the total quantity of sweet corn, or any grade, size, or other classification, or portion or combinations or quality of sweet corn processed, distributed, or handled during any specified period shall be equitably apportioned among all such handlers thereof;

(7) To develop regulations requiring the labeling, marking, or branding of sweet corn.

(8) To establish convenient stations for inspection, weighing, and receiving payment for sweet corn sold or delivered by producers or distributors, and providing for the collection of expenses of operating such stations;

(9) To develop regulation requiring the packaging of sweet corn to be in containers, and setting standards for such containers, or pack thereof.

(10) To recommend administrative rules and regulations relating to the administration of this Order;

(11) To receive, investigate, and report to the Commissioner complaints of violations of this Order.

(12) To submit to the Commissioner for his approval an estimated budget of expenses necessary for the operation hereof; and also submit for approval a method of assessing and collecting such funds as the Committee may find necessary for administration of this Order;

(13) To collect and disburse fees assessed for administration of this Order according to the terms and conditions specified herein;

(14) To keep minutes, books, and records which will clearly reflect all the acts and transactions of the Administrative Committee, which minutes, books, and records shall be subject at any time to examination by the Commissioner;

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

(16) To give the Commissioner the same notice of all meetings of the administrative Committee as given to the members and alternates;

(17) To select a chairman and such other officers of the Administrative Committee as may be deemed advisable;

(18) To perform such duties as may be assigned to it by the Commissioner in connection with the administration hereof;

(19) To cooperate, consult, and confer with committees administering other marketing agreements and orders, and with other governmental agencies and industry groups engaged in marketing research and development activities deemed beneficial to the marketing of sweet corn.

(20) To recommend to the Commissioner the establishment of regulations concerning the disposal of sweet corn that failed or would fail to meet the grade, size or quality standards set by the Commissioner as provided for in this order.

L. PROCEDURE

(1) A majority of all members of the Administrative Committee shall be necessary to constitute a quorum or to pass any motion or approve any Committee action.

(2) The members and alternates of the Administrative Committee, including successors, and any agent or employee appointed or employed by the 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 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.

(3) Upon the death, removal, resignation, or expiration of term of office of any member or alternate of the Administrative Committee, all books, records, and other property in his possession shall be delivered to his successor in office or to the Committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or the Committee full title to all books, records, and other proper possessions under the control of such members or alternates pursuant hereto.

SECTION I I I

ADVERTISING AND SALES PROMOTION

A. Whenever the Administrative Committee deems it advisable that an advertising and sales promotion plan be established, it may recommend to the Commissioner the establishment of such a

plan. If the Commissioner determines that such a plan will effectuate the purposes of the act, he shall approve the proposed plan.

B. In planning promotional programs, the time of maturity of sweet corn of various locations and varieties shall be taken into consideration by the Administrative Committee to the extent that all production areas covered by the Order will receive proper advertising and promotional coverage at the most opportune time.

C. The Administrative Committee shall administer any plan established pursuant to this section.

SECTION I V

RESEARCH

A. Whenever the Administrative Committee deems it advisable that programs in the field of research be established for the control of insects or disease, the improvement of production, harvesting, transporting, marketing, or handling of sweet corn, it may recommend to the Commissioner the establishment of such programs. If the Commissioner determines that such programs will effectuate the purposes of the act, he shall approve the proposed programs.

B. The Administrative Committee shall administer any research program issued pursuant to this section.

SECTION V

FINANCING

A. BUDGET AND ASSESSMENTS

The Administrative Committee is authorized to incur such expenses as the Commissioner finds reasonable and likely to be incurred by such Administrative Committee for the administration and operation of the provisions of this Order. The Administrative Committee shall prepare and submit to the Commissioner a proposed budget of expenses and a recommended rate of assessment for the then current fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as provided in this section. Such assessment shall not exceed twenty-five cents (\$.25) per standard box of four and one-half dozen ears of sweet corn produced in the counties of Colorado covered by this Order. The amount of recommended assessment in any fiscal period shall be determined by a majority vote of the Administrative Committee at the beginning of that fiscal period. HOWEVER, the initial assessment for the fiscal year, prior to the first annual meeting, shall be twenty-five cents (\$.25) per standard box of four and one-half dozen ears of sweet corn produced in the counties covered by this Order. The assessment shall be due and payable by the producer of the sweet corn.

B. 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 therefore and are due and payable upon receipt of funds from crop proceeds. Such assessments shall be collected from the producers by the handler at point of inspection; and such handler shall remit to the Commissioner, all assessments so collected. Any handler, within the area covered by this Order, who fails or neglects to collect such assessment from any producer and to remit such collection to the Commissioner as herein provided, shall be deemed guilty of a violation of this Order.

(2) 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 sweet corn to a handler or other person or store sweet corn 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.

(3) The Commissioner may, at the request of the Administrative Committee, require each and every producer, distributor, or handler directly affected herein to deposit with the Administrative Committee, in advance, an amount based upon the estimated gross volume of sales by such producer, distributor, or handler during any given fiscal period and based upon the rate of assessment for such fiscal period. At the close of such fiscal period, the sum so deposited shall be adjusted to the amount which is chargeable against such producer, distributor, or handler upon the basis of the actual gross volume of sales by such producer, distributor, or handler during such fiscal period.

(4) The Administrative Committee, with the approval of the Commissioner, shall establish methods and procedures for the collection of assessments. The Commissioner may issue necessary regulations to enforce the provisions of this section.

D. ACCOUNTING

(1) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following procedures:

(a) The Administrative Committee, with the approval of the Commissioner, may carry over such excess into subsequent fiscal periods as a reserve.

(b) If such excess is not retained in a reserve as provided in subparagraph "a" of this paragraph, it shall be refunded proportionately to the persons from whom it was collected. Upon such liquidation, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Commissioner may determine to be appropriate. To the extent practical, such funds shall be returned pro-rata to the persons from whom such funds were collected.

(2) Any monies collected pursuant to this Order shall be deposited in a bank, or banks, or other depository approved by the State Treasurer, allocated to the Sweet Corn Administrative Committee, and disbursed only for the necessary expenses incurred by the 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.

SECTION VI

REGULATION OF SHIPMENT

A. RECOMMENDATION

(1) Whenever the Administrative Committee deems it advisable to regulate, during any period or periods, the shipment of sweet corn by grades, quality or sizes, it shall so recommend to the Commissioner.

(2) At the time of submitting each such recommendation for the regulation by grades, quality or sizes, the Committee shall furnish to the Commissioner, in addition to all pertinent data and information on which it acted in making such recommendation, such other data and information as the Commissioner may request. The Administrative Committee shall promptly notify handlers and producers of the submission of each such recommendation, and copies thereof shall be available at the Committee's office for inspection by any producer, handler or other person.

B. ESTABLISHMENT OF REGULATION

Whenever the Commissioner finds, from any such recommendation and information or other available information, that to limit the shipment of the total quantity of sweet corn to particular grades, quality, or sizes thereof would tend to effectuate the declared policy of the Act, he shall so limit the shipment of such sweet corn during a specified period or periods. The Commissioner shall promptly notify the Administrative Committee of each such regulation; and the Committee shall promptly give adequate notice thereof to handlers and producers. Such regulations shall become effective forty-eight (48) hours after issuance.

C. EXEMPTIONS AND EXEMPTION CERTIFICATES

(1) The Administrative Committee shall, subject to the approval of the Commissioner, adopt procedural rules to govern the issuance of exemption certificates.

(2) In the event the Commissioner issues a regulation pursuant to this section the Committee shall determine the percentage of which sweet corn permitted to be shipped under this regulation bears to the total production of such sweet corn; and the Committee shall forthwith announce such percentage. The Committee shall thereafter issue one or more

exemption certificates to any producer who furnishes evidence satisfactory to the Committee that, by reason of conditions beyond the control of a prudent grower and beyond his reasonable expectations, he will be prevented because of the regulation issued from shipping or having shipped as large a proportion of his sweet corn as the average proportions of all such sweet corn which may be so shipped.

(3) The Administrative Committee, with the approval of the Commissioner, may include in the rules and regulations adopted pursuant to (C) (1) of this section such refinement of definition as is deemed necessary with respect to "conditions beyond the control of a prudent grower and beyond the grower's reasonable expectations."

(4) The exemption certificate issued pursuant to this section shall permit the respective grower to whom the certificate is issued to ship or have shipped a percentage of his crop equal to the percentage determined pursuant to paragraph (C) (2) of this section; but such exemption may be limited to the specific damage by reason of which the exemption is claimed, and the Committee may establish special requirements with respect to the minimum standard of grade, quality and size which must be met by sweet corn shipped under such certificate.

D. INSPECTION AND CERTIFICATION

During any period in which the shipment of sweet corn is regulated pursuant to this section, each handler who first ships sweet corn shall, prior to making each such shipment of sweet corn, have the shipment inspected by an authorized representative of the federal-state inspection service, or such other inspection service as the Commissioner shall designate. Promptly thereafter, such shipper shall submit, or cause to be submitted, to the Administrative Committee a copy of the inspection certificate issued with respect to such shipment.

E. MODIFICATION, SUSPENSION OR TERMINATION

Whenever the Administrative Committee deems it advisable to recommend to the Commissioner the modification, suspension or termination of any or all the regulations issued pursuant to this section, it shall so recommend to the Commissioner. If the Commissioner finds, upon the basis of such recommendation or other available information, that to modify any such regulation will tend to effectuate the declared policy of the Act, he shall so modify such regulation. If the Commissioner finds, upon the basis of such recommendation or other available information, that any such regulation obstructs or does not tend to effectuate the declared policy of the Act, he shall suspend or terminate such regulation. The Commissioner shall promptly notify the Administrative Committee of each such modification, suspension or termination. The Committee shall promptly notify producers and handlers of such modification, suspension or termination, and a copy thereof shall be available at the Committee's office for inspection by any producer, handler or other person. In like manner and upon the same basis the Commissioner may terminate any such modification or suspension.

Section V I I

REPORTS AND RECORDS

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

SECTION V I I I

LIABILITY

The members and alternates of any such Administrative Committee duly appointed by the Commissioner, including employees of such 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 shall be held responsible individually for any act or omission of any other member of such Committee. The liability of such Committee shall be several and not joint, and no member or alternate shall be liable for the default of any other member.

SECTION I 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 the 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 purpose of the Act within 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 producers within the counties covered by the Order, or who produce more than fifty (50) percent of the volume of sweet corn produced for market within the area covered by the Order, the Commissioner shall terminate the provisions hereof, provided that such termination shall be effective only if announced thirty (30) days before the end of the then current fiscal period.

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

C. PROCEEDINGS AFTER TERMINATION

Upon the termination of the provisions of the Order, the Commissioner may appoint the members and/or alternates of the Administrative Committee then functioning to continue as joint trustees, for the purposes of liquidating the affairs of the Committee, of all property then in the possession, or under the control, of the Committee, including property not delivered at the time of such termination; 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 the marketing order shall be returned by the Commissioner on 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 X

SWEET CORN NOT SUBJECT TO ASSESSMENT

Nothing contained herein shall be construed to authorize any limitation of the right of any person to ship sweet corn for consumption by a charitable institution or for any distribution for relief purposes or for distribution by a relief agency. The assessment provisions hereof shall not be applicable to sweet corn so shipped. The Administrative Committee may prescribe adequate safeguards to prevent sweet corn, shipped for such purposes, from entering commercial channels of trade contrary to the provisions hereof.

SECTION X I

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 X I I

SEPARABILITY

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

SECTION X I I I

DEROGATION

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

SECTION X I V

AMENDMENTS

Amendments hereto may be proposed from time to time by the Administrative Committee, or by the Commissioner.