

## CHAPTER 149

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**AGRICULTURE**


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**SENATE BILL 18-188**

BY SENATOR(S) Sonnenberg, Baumgardner, Cooke, Coram, Crowder, Garcia, Guzman, Jones, Marble, Martinez Humenik, Merrifield, Neville T., Priola, Tate, Grantham;  
also REPRESENTATIVE(S) Arndt and Becker J., Catlin, Covarrubias, Esgar, Hansen, Lewis, Lontine, McKean, Reyher, Rosenthal, Saine, Valdez, Duran.

**AN ACT**

**CONCERNING AGRICULTURAL COMMODITIES, AND, IN CONNECTION THEREWITH, ADDING MILLET TO THE DEFINITION OF AN AGRICULTURAL COMMODITY AND ALLOWING THE COMMISSIONER OF AGRICULTURE TO DETERMINE MARKETING ORDER PUBLIC ANNOUNCEMENT REQUIREMENTS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 35-28-104, **amend** the introductory portion and (1)(a) as follows:

**35-28-104. Definitions.** As used in this ~~article~~ ARTICLE 28, unless the context otherwise requires:

(1) (a) "Agricultural commodity" means any agricultural, horticultural, floricultural, viticultural, and vegetable products, livestock and livestock products, wheat, hay, corn, MILLET, bees and honey, poultry and poultry products, and milk and milk products, either in their natural state or as processed, including any marketable agricultural product, but does not include sugar beets, timber and timber products, oats, malting barley, barley, hops, rice, milo, and other feed grains. These exceptions ~~shall be~~ ARE the sole exemptions, irrespective of any other exemptions provided by law, and particularly as set forth in section 35-28-122.

**SECTION 2.** In Colorado Revised Statutes, **amend** 35-28-112 as follows:

**35-28-112. Notice of marketing order issuance, suspension, amendment, or termination.** Upon the issuance, ~~of any~~ SUSPENSION, AMENDMENT, OR TERMINATION OF A marketing order, ~~or any suspension, amendment, or termination thereof, a notice shall be posted on a public bulletin board to be maintained by the~~

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

~~commissioner in his office and a copy of such notice shall be published in a newspaper of general circulation published in the capital of the state and in such other newspapers as the commissioner may prescribe. No PUBLIC ANNOUNCEMENT OF THE ISSUANCE, SUSPENSION, AMENDMENT, OR TERMINATION MUST BE MADE IN THE MANNER AND AT THE TIME REQUIRED BY THE COMMISSIONER. AN order, and no suspension, amendment, or termination thereof shall become~~ WILL BE effective ~~until the termination of a period of five days from~~ AFTER the date of such posting and publication. It is also the duty of the PUBLIC ANNOUNCEMENT. THE commissioner ~~to~~ SHALL mail a copy of the notice of ~~said~~ THE ORDER issuance, SUSPENSION, AMENDMENT, OR TERMINATION to all persons directly affected by the terms of ~~such~~ THE order, suspension, amendment, or termination, whose names and addresses may be on file in the office of the commissioner and to every person who files in the office of the commissioner a written request for such notice.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 23, 2018