

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-1020.01 Kip Kolkmeier x4510

SENATE BILL 18-188

SENATE SPONSORSHIP

Sonnenberg,

HOUSE SPONSORSHIP

Arndt and Becker J.,

Senate Committees

Agriculture, Natural Resources, & Energy

House Committees

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adds millet to the definition of an agricultural commodity in the "Colorado Agricultural Marketing Act of 1939". The bill removes

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
April 6, 2018

SENATE
3rd Reading Unamended
March 21, 2018

SENATE
2nd Reading Unamended
March 20, 2018

the requirement that marketing order issuance, suspension, amendment, or termination be posted in the office of the commissioner of agriculture and published in a newspaper. Instead, the commissioner will determine the manner and time of public announcement of marketing order issuance, suspension, amendment, or termination.

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

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

4 **35-28-104. Definitions.** As used in this ~~article~~ ARTICLE 28, unless
5 the context otherwise requires:

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

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

17 **35-28-112. Notice of marketing order issuance, suspension,**
18 **amendment, or termination.** Upon the issuance, ~~of any~~ SUSPENSION,
19 AMENDMENT, OR TERMINATION OF A marketing order, ~~or any suspension,~~
20 ~~amendment, or termination thereof,~~ a notice shall be posted on a public
21 bulletin board ~~to be maintained by the commissioner in his office and a~~
22 ~~copy of such notice shall be published in a newspaper of general~~
23 ~~circulation published in the capital of the state and in such other~~

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

14 **SECTION 3. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly (August
17 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2018 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.