

1 SB255  
2 149494-4  
3 By Senators Beasley, Whatley and Scofield (Constitutional  
4 Amendment)  
5 RFD: Agriculture, Conservation, and Forestry  
6 First Read: 21-JAN-14

1 SB255

2  
3  
4 ENROLLED, An Act,

5 Proposing an amendment to Amendment 388 of the  
6 Constitution of Alabama of 1901, now appearing as Section  
7 93.06 of the official recompilation of the Constitution of  
8 Alabama of 1901, as amended; relating specifically to the  
9 assessments authorized for cotton producers to support a  
10 program for the promotion of the production, distribution,  
11 improvement, marketing, use, and sale of cotton; to delete the  
12 requirement that assessments on cotton producers would be  
13 subject to refund.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. The following amendment to the  
16 Constitution of Alabama of 1901, as amended, is proposed and  
17 shall become valid as a part thereof when approved by a  
18 majority of the qualified electors voting thereon and in  
19 accordance with Sections 284, 285, and 287 of the Constitution  
20 of Alabama of 1901, as amended:

21 PROPOSED AMENDMENT

22 "The legislature may hereafter, by general law,  
23 provide for the promotion of the production, distribution,  
24 improvement, marketing, use, and sale of peanuts, milk, and  
25 cotton. The legislature may provide for the promotion of

1       peanuts, milk, and cotton and peanut, milk, and cotton  
2       products by research, education, advertising, and other  
3       methods, and the legislature is further authorized to provide  
4       means and methods for the financing of any such promotional  
5       activity by prescribing a procedure whereby growers of  
6       peanuts, and producers of milk and cotton may by referendum  
7       among such growers and producers levy upon themselves and  
8       collect assessments, fees, or charges upon the sale of  
9       peanuts, milk, and cotton for the financing of any such  
10      promotional program or activity in cooperation with buyers,  
11      processors, dealers, and handlers of peanuts, milk, and  
12      cotton. The legislature may make provisions for the nonpayment  
13      of assessments by peanut growers and milk and cotton  
14      producers, and shall make provisions for the refund of  
15      assessments to any peanut growers and milk ~~or cotton~~ producers  
16      who do not desire to participate in an assessment program. The  
17      legislature shall provide for the collection, disbursement,  
18      distribution, or expenditure of assessments or charges  
19      authorized hereunder and to provide penalties for failure to  
20      make collection and distribution of assessments. The  
21      legislature shall provide for the designation of a nonprofit  
22      association or organization for the promotion and betterment  
23      of peanuts, milk, and cotton and peanut, milk, and cotton  
24      products to administer and carry out such promotional program  
25      which shall include the conducting of elections or referendums

1 among growers of peanuts and producers of milk and cotton. The  
2 legislature may provide the manner by which such referendum is  
3 held, including the procedure for application for approval to  
4 conduct the referendum, the appropriate action to be taken by  
5 the state board of agriculture and industries on such  
6 application, the requirements and eligibility of the  
7 association or organization which will conduct such  
8 referendum, the procedures for voting and eligibility to vote  
9 in such referendum, the details of the conduct of such  
10 referendum. The legislature shall further provide for the  
11 deposit, withdrawal, disbursement, and expenditure by the  
12 designated association of any funds received subject to the  
13 supervision and control of the activities as authorized herein  
14 by the department of agriculture and industries and the state  
15 board of agriculture and industries. The legislature shall  
16 further provide a procedure whereby ~~said~~ the association or  
17 organization is bonded, for the examination and auditing of  
18 said association or organization, and for reasonably necessary  
19 rules and regulations to be adopted by the state board of  
20 agriculture and industries to effectively carry out the intent  
21 and purposes herein enumerated.

22 "The legislature shall provide, by enabling  
23 legislation, the definition of peanut growers and producers.

24 "Assessments, fees or other charges collected as  
25 authorized by any legislative act adopted under authority

1 hereof shall not be considered as a tax within the meaning of  
2 this Constitution or any provision thereof.

3 "Any uniformity requirements of this Constitution  
4 shall be satisfied by the application of the program upon  
5 peanuts, milk, and cotton."

6 Section 2. An election upon the proposed amendment  
7 shall be held on the date of the run-off primary in July 2014  
8 if that date is not less than three months after the  
9 adjournment of this session of the Legislature or, if not, at  
10 the general election in 2014, in accordance with Sections 284  
11 and 285 of the Constitution of Alabama of 1901, now appearing  
12 as Sections 284 and 285 of the Official Recompilation of the  
13 Constitution of Alabama of 1901, as amended, and the election  
14 laws of this state.

15 Section 3. The appropriate election official shall  
16 assign a ballot number for the proposed constitutional  
17 amendment on the election ballot and shall set forth the  
18 following description of the substance or subject matter of  
19 the proposed constitutional amendment:

20 "Proposing an amendment to Amendment 388 to the  
21 Constitution of Alabama of 1901, now appearing as Section  
22 93.06 of the official recompileation of the Constitution of  
23 Alabama of 1901, as amended, relating specifically to the  
24 assessments authorized for cotton producers to support a  
25 program for the promotion of the production, distribution,

1 improvement, marketing, use, and sale of cotton; to delete the  
2 requirement that assessments on cotton producers would be  
3 subject to refund.

4 "Proposed by Act \_\_\_\_\_."

5 This description shall be followed by the following  
6 language:

7 "Yes ( ) No ( )."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB255

Senate 28-JAN-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris  
Secretary

---

House of Representatives  
Passed: 20-MAR-14

---

By: Senator Beasley