

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

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3  
4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. The following amendment to the  
22 Constitution of Alabama of 1901, as amended, is proposed and  
23 shall become valid as a part thereof when approved by a  
24 majority of the qualified electors voting thereon and in  
25 accordance with Sections 284, 285, and 287 of the Constitution  
26 of Alabama of 1901, as amended:

27 PROPOSED AMENDMENT

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

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

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

26 "Assessments, fees or other charges collected as  
27 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 recompilation 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,  
26 improvement, marketing, use, and sale of cotton; to delete the

1 requirement that assessments on cotton producers would be  
2 subject to refund.

3 "Proposed by Act \_\_\_\_\_."

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

6 "Yes ( ) No ( )."

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Senate

Read for the first time and referred to the Senate  
committee on Agriculture, Conservation, and For-  
estry..... 21-JAN-14

Read for the second time and placed on the calen-  
dar 1 amendment..... 22-JAN-14

Read for the third time and passed as amended .... 28-JAN-14

Yeas 22  
Nays 0

Patrick Harris  
Secretary