

1 SB256
2 154706-1
3 By Senators Beasley, Whatley, and Scofield
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 21-JAN-14

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8 SYNOPSIS: Under existing law, assessments are
9 authorized on producers of cotton after referendums
10 of cotton producers to be used by a commission of
11 nonprofit associations to promote cotton. A cotton
12 producer may request a refund of any assessment
13 from the commission.

14 This bill would authorize additional
15 referendums to approve the collection of
16 assessments without any provision for refunds. The
17 bill would be effective only upon the adoption of a
18 constitutional amendment authorizing assessments
19 without any provision for refunds.
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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 2-8-193 of the Code of Alabama
26 1975, relating to assessments on cotton producers to promote
27 cotton; to authorize assessments without any provisions for

1 refunds; to repeal Section 2-8-203, Code of Alabama 1975,
2 relating to the refund of assessments; and to provide that
3 this act would be effective only upon the adoption of a
4 constitutional amendment deleting provisions for refunds of
5 assessment on cotton producers.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 2-8-193 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§2-8-193.

10 "(a) Any commission, established by the mutual
11 agreement of any two or more nonprofit associations of cotton
12 producers, fairly and substantially representative of the
13 producers of cotton throughout the state, may at any time
14 after May 5, 1981, make application to the State Board of
15 Agriculture and Industries for certification and approval for
16 the purpose of conducting a referendum among cotton producers
17 of the state, upon the question of levying an assessment,
18 collecting, expending and utilizing the same for the purpose
19 or purposes authorized under this article and as stated in
20 such referendum. For the purpose of determining whether the
21 cotton producers are fairly represented by such applicant, the
22 nonprofit associations establishing the commission or the
23 commission shall submit to the State Board of Agriculture and
24 Industries for approval or disapproval a plan or system for
25 dividing the state into six districts, each district to
26 contain as nearly as possible the same number of acres planted
27 to cotton during the last year immediately prior to the date

1 of submitting such plan for which such statistics are
2 available. The commission shall be composed of not more than
3 eleven members, six of whom shall be elected representatives
4 of the six respective districts into which the state is
5 divided, as above provided, and the remainder shall be
6 appointed from the state at large by the mutual consent of the
7 nonprofit associations of cotton producers establishing the
8 commission which applies for authorization to conduct the
9 referendum and promotional program. Every member of the
10 commission shall be a bona fide Alabama cotton producer. Any
11 commission approved or certified hereunder by the State Board
12 of Agriculture and Industries shall be authorized to execute
13 or carry out such a promotional program within the limits
14 prescribed by this article, and hereinafter shall be referred
15 to as an approved or certified commission.

16 "(b) Any commission authorized to make assessments
17 pursuant to subsection (a) may make application to the State
18 Board of Agriculture and Industries for certification and
19 approval to conduct a referendum on the question of levying an
20 assessment without any provision for refunds. The referendums
21 and the levying, collection, expending, and utilization of the
22 assessments shall otherwise be subject to the provisions of
23 this article. Upon approval of any assessment authorized
24 pursuant to this subsection, the assessment shall supersede
25 any prior assessment being collected at the time of the
26 referendum."

1 Section 2. Section 2-8-203 of the Code of Alabama
2 1975, is repealed.

3 Section 3. This act shall be effective upon the
4 adoption of an amendment to Amendment 388 of the Constitution
5 of Alabama of 1901, now appearing as Section 93.06 of the
6 Official Recompilation of the Constitution of Alabama of 1901,
7 as amended, deleting the requirement for refunds of
8 assessments on cotton producers.