

1 HB95  
2 149494-1  
3 By Representative Patterson (Constitutional Amendment)  
4 RFD: Agriculture and Forestry  
5 First Read: 14-JAN-14  
6 PFD: 01/06/2014

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, cotton producers are  
9 authorized, after a referendum, to levy an  
10 assessment on all cotton producers to fund  
11 promotional programs and activities related to the  
12 production, improvement, marketing, use, and sale  
13 of cotton. In the administration of the program and  
14 after collection, the program is required to  
15 provide for refunds to cotton growers who do not  
16 desire to participate.

17 This bill would propose a constitutional  
18 amendment to delete the requirement for refunds to  
19 cotton producers.  
20

21 A BILL  
22 TO BE ENTITLED  
23 AN ACT  
24

25 Proposing an amendment to Amendment 388 of the  
26 Constitution of Alabama of 1901, now appearing as Section  
27 93.06 of the official recompilation of the Constitution of

1 Alabama of 1901, as amended; relating specifically to the  
2 assessments authorized for cotton producers to support a  
3 program for the promotion of the production, distribution,  
4 improvement, marketing, use, and sale of cotton; to delete the  
5 requirement that assessments on cotton producers would be  
6 subject to refund.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. The following amendment to the  
9 Constitution of Alabama of 1901, as amended, is proposed and  
10 shall become valid as a part thereof when approved by a  
11 majority of the qualified electors voting thereon and in  
12 accordance with Sections 284, 285, and 287 of the Constitution  
13 of Alabama of 1901, as amended:

14 PROPOSED AMENDMENT

15 "The legislature may hereafter, by general law,  
16 provide for the promotion of the production, distribution,  
17 improvement, marketing, use, and sale of peanuts, milk, and  
18 cotton. The legislature may provide for the promotion of  
19 peanuts, milk, and cotton and peanut, milk, and cotton  
20 products by research, education, advertising, and other  
21 methods, and the legislature is further authorized to provide  
22 means and methods for the financing of any such promotional  
23 activity by prescribing a procedure whereby growers of  
24 peanuts, and producers of milk and cotton may by referendum  
25 among such growers and producers levy upon themselves and  
26 collect assessments, fees, or charges upon the sale of  
27 peanuts, milk, and cotton for the financing of any such

1 promotional program or activity in cooperation with buyers,  
2 processors, dealers, and handlers of peanuts, milk, and  
3 cotton. The legislature may make provisions for the nonpayment  
4 of assessments by peanut growers and milk and cotton  
5 producers, and shall make provisions for the refund of  
6 assessments to any peanut growers and milk ~~or cotton~~ producers  
7 who do not desire to participate in an assessment program. The  
8 legislature shall provide for the collection, disbursement,  
9 distribution, or expenditure of assessments or charges  
10 authorized hereunder and to provide penalties for failure to  
11 make collection and distribution of assessments. The  
12 legislature shall provide for the designation of a nonprofit  
13 association or organization for the promotion and betterment  
14 of peanuts, milk, and cotton and peanut, milk, and cotton  
15 products to administer and carry out such promotional program  
16 which shall include the conducting of elections or referendums  
17 among growers of peanuts and producers of milk and cotton. The  
18 legislature may provide the manner by which such referendum is  
19 held, including the procedure for application for approval to  
20 conduct the referendum, the appropriate action to be taken by  
21 the state board of agriculture and industries on such  
22 application, the requirements and eligibility of the  
23 association or organization which will conduct such  
24 referendum, the procedures for voting and eligibility to vote  
25 in such referendum, the details of the conduct of such  
26 referendum. The legislature shall further provide for the  
27 deposit, withdrawal, disbursement, and expenditure by the

1 designated association of any funds received subject to the  
2 supervision and control of the activities as authorized herein  
3 by the department of agriculture and industries and the state  
4 board of agriculture and industries. The legislature shall  
5 further provide a procedure whereby ~~said~~ the association or  
6 organization is bonded, for the examination and auditing of  
7 said association or organization, and for reasonably necessary  
8 rules and regulations to be adopted by the state board of  
9 agriculture and industries to effectively carry out the intent  
10 and purposes herein enumerated.

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

13 "Assessments, fees or other charges collected as  
14 authorized by any legislative act adopted under authority  
15 hereof shall not be considered as a tax within the meaning of  
16 this Constitution or any provision thereof.

17 "Any uniformity requirements of this Constitution  
18 shall be satisfied by the application of the program upon  
19 peanuts, milk, and cotton."

20 Section 2. An election upon the proposed amendment  
21 shall be held in accordance with Sections 284 and 285 of the  
22 Constitution of Alabama of 1901, now appearing as Sections 284  
23 and 285 of the Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, and the election laws of this  
25 state.

26 Section 3. The appropriate election official shall  
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the  
2 following description of the substance or subject matter of  
3 the proposed constitutional amendment:

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

13 "Proposed by Act \_\_\_\_\_."

14 This description shall be followed by the following  
15 language:

16 "Yes ( ) No ( )."