

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

1 SB256

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4 ENROLLED, An Act,

5 To amend Section 2-8-193 of the Code of Alabama
6 1975, relating to assessments on cotton producers to promote
7 cotton; to authorize assessments without any provisions for
8 refunds; to repeal Section 2-8-203, Code of Alabama 1975,
9 relating to the refund of assessments; and to provide that
10 this act would be effective only upon the adoption of a
11 constitutional amendment deleting provisions for refunds of
12 assessment on cotton producers.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 2-8-193 of the Code of Alabama
15 1975, is amended to read as follows:

16 "§2-8-193.

17 "(a) Any commission, established by the mutual
18 agreement of any two or more nonprofit associations of cotton
19 producers, fairly and substantially representative of the
20 producers of cotton throughout the state, may at any time
21 after May 5, 1981, make application to the State Board of
22 Agriculture and Industries for certification and approval for
23 the purpose of conducting a referendum among cotton producers
24 of the state, upon the question of levying an assessment,
25 collecting, expending and utilizing the same for the purpose

1 or purposes authorized under this article and as stated in
2 such referendum. For the purpose of determining whether the
3 cotton producers are fairly represented by such applicant, the
4 nonprofit associations establishing the commission or the
5 commission shall submit to the State Board of Agriculture and
6 Industries for approval or disapproval a plan or system for
7 dividing the state into six districts, each district to
8 contain as nearly as possible the same number of acres planted
9 to cotton during the last year immediately prior to the date
10 of submitting such plan for which such statistics are
11 available. The commission shall be composed of not more than
12 eleven members, six of whom shall be elected representatives
13 of the six respective districts into which the state is
14 divided, as above provided, and the remainder shall be
15 appointed from the state at large by the mutual consent of the
16 nonprofit associations of cotton producers establishing the
17 commission which applies for authorization to conduct the
18 referendum and promotional program. Every member of the
19 commission shall be a bona fide Alabama cotton producer. Any
20 commission approved or certified hereunder by the State Board
21 of Agriculture and Industries shall be authorized to execute
22 or carry out such a promotional program within the limits
23 prescribed by this article, and hereinafter shall be referred
24 to as an approved or certified commission.

1 "(b) Any commission authorized to make assessments
2 pursuant to subsection (a) may make application to the State
3 Board of Agriculture and Industries for certification and
4 approval to conduct a referendum on the question of levying an
5 assessment without any provision for refunds. The referendums
6 and the levying, collection, expending, and utilization of the
7 assessments shall otherwise be subject to the provisions of
8 this article. Upon approval of any assessment authorized
9 pursuant to this subsection, the assessment shall supersede
10 any prior assessment being collected at the time of the
11 referendum."

12 Section 2. Section 2-8-203 of the Code of Alabama
13 1975, is repealed.

14 Section 3. This act shall be effective upon the
15 adoption of an amendment to Amendment 388 of the Constitution
16 of Alabama of 1901, now appearing as Section 93.06 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended, deleting the requirement for refunds of
19 assessments on cotton producers.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB256

Senate 28-JAN-14

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

Patrick Harris
Secretary

House of Representatives
Passed: 20-MAR-14

By: Senator Beasley