

1 HB268
2 62850-4
3 By Representative Collier (Constitutional Amendment)
4 RFD: Agriculture and Forestry
5 First Read: 05-FEB-04

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ENROLLED, An Act,

To propose an amendment to the Constitution of Alabama of 1901, relating to the promotion of the production, distribution, improvement, marketing, use, and sale of shrimp and seafood and shrimp and seafood products; and to provide for assessment and fees to pay for the cost thereof.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

The Legislature, by general law, may provide for the promotion of the production, distribution, improvement, marketing, use, and sale of shrimp and seafood. The Legislature may provide for the promotion of shrimp and seafood and shrimp and seafood products by research, education, advertising, and other methods, and the Legislature is further authorized to provide the means and methods for the financing of any promotional activity by prescribing a procedure whereby producers of shrimp and seafood by referendum among such producers levy upon themselves and

1 collect assessments, fees, or charges upon the sale of shrimp
2 and seafood or upon diesel fuel purchased for use in any
3 commercial shrimp boat licensed to do business in this state
4 for the financing of any promotional program or activity in
5 cooperation with buyers, processors, dealers, distributors,
6 and handlers of shrimp and seafood. The Legislature may make
7 provisions for the nonpayment of assessments by shrimp and
8 seafood producers and shall make provisions for the refund of
9 assessments to any handler of shrimp or seafood who does not
10 desire to participate in an assessment program.

11 The Legislature shall provide for the collection,
12 disbursement, distribution, or expenditure of assessments or
13 charges authorized hereunder and provide penalties for failure
14 to make collection and distribution of assessments. The
15 Legislature shall provide for the designation of a nonprofit
16 association or organization for the promotion and betterment
17 of shrimp and seafood products to administer and carry out
18 such promotional program which shall include the conducting of
19 elections or referendums among producers of shrimp and
20 seafood. The Legislature may provide the manner by which the
21 referendum is held, including the procedure for application
22 for approval to conduct the referendum, the appropriate action
23 to be taken by the State Board of Agriculture and Industries
24 on an application, and the requirements and eligibility of the
25 association or organization which will conduct the referendum.

1 The Legislature shall further provide for the deposit,
2 withdrawal, disbursement, and expenditure by the designated
3 association of any funds received subject to the supervision
4 and control of the activities as authorized herein by the
5 Department of Agriculture and Industries and the State Board
6 of Agriculture and Industries. The Legislature shall further
7 provide a procedure whereby the association or organization is
8 bonded, for the examination and auditing of the association or
9 organization, and for reasonably necessary rules and
10 regulations to be adopted by the State Board of Agriculture
11 and Industries to effectively carry out the intent and
12 purposes herein enumerated. Assessments, fees, or other
13 charges collected as authorized by any legislative act adopted
14 under authority hereof shall not be considered as a tax within
15 the meaning of this constitution and shall be satisfied by the
16 application of the program upon shrimp or seafood.

17 Section 2. An election upon the proposed amendment
18 shall be held in accordance with Sections 284 and 285 of the
19 Constitution of Alabama of 1901, as amended, and the election
20 laws of this state.

21 Section 3. The appropriate election official shall
22 assign a ballot number for the proposed constitutional
23 amendment on the election ballot and shall set forth the
24 following description of the substance or subject matter of
25 the proposed constitutional amendment:

1 "Proposing an amendment to the Constitution of
2 Alabama of 1901, to provide for the promotion of shrimp and
3 seafood.

4 "Proposed by Act _____."

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

7 "Yes () No ()."

