By: Sarpalius S.J.R. No. 1

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the associations of producers of agricultural commodities.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article XVI of the Texas Constitution be amended by adding Section 68 to read as follows:

"Section 68. The legislature may provide for the advancement of food and fiber in this state by providing representative associations of agricultural producers with authority to collect such refundable assessments on their product sales as may be approved by referenda of producers. All revenue collected shall be used solely to finance programs of marketing, promotion, research, and education relating to that commodity."

SECTION 2. That the Texas Constitution be amended by adding an unnumbered transition provision to read as follows:

"TRANSITION PROVISION. (a) For purposes of Section 4, S.B. 607, Acts of the 68th Legislature, Regular Session, 1983, adoption or rejection of the constitutional amendment proposed by Section 1 of S.J.R. No. 1, Acts of the 68th Legislature, ~~First~~ 1st Called Session, 1983, has the same effect as adoption or rejection of S.J.R. No. 21, Acts of the 68th Legislature, Regular Session, 1983.

"(b) This provision expires December 1, 1983."

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or

against the proposition: "The constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products."

COMMITTEE REPORT FORM

June 24, 1982 Austin, Texas

Date of report to Senate

Honorable William P. Hobby
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred STR ~~B~~. No. 1 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

Farabee

Chairman

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

S.J.R. 1 Committee on Agriculture and Livestock

By: Sarpalius

BILL ANALYSIS

Background Information

The courts have ruled that a constitutional amendment is needed before an agricultural association may collect a refundable assessment on the sale of its representative product to finance programs of marketing, promotion, research, and education relating to that commodity.

Purpose

This is a constitutional amendment that will bring Texas law into compliance with court decisions on agricultural checkoff programs.

Section by Section Analysis

Section 1: Adds a new section to the Constitution of Texas that allows representative associations of agricultural producers to collect refundable assessments on their product sales if approved by a referenda of producers and sets conditions for the expenditure of funds collected.

Section 2: Provides for an unnumbered transition provision to the Texas Constitution that allows S.B. 607 Acts of the 68th Legislature Regular Session, to serve as the enabling legislation for this Constitutional Amendment.

Section 3: States the date the election shall be held and proposes language that shall appear on the ballot.

Rulemaking Authority

It is the committee's opinion that no new rulemaking authority is granted by this resolution.

Summary of Committee Action

H.J.R. 3 was referred to the committee on June 24, 1983.

The rules were suspended so that H.J.R. 3 could be considered in a public hearing on June 24, 1983.

The Senate reported S.J.R. 1 to the House on June 24, 1983.

S.J.R. 1 was referred to the committee on June 24, 1983.

The Chair ruled that S.J.R. 1 was substantially the same as H.J.R. 3 and in accordance with Rule 4 Section 12(a), the Chair laid out S.J.R. 1 in lieu of H.J.R. 3 in a public hearing on June 24, 1983.

S.J.R. 1 was reported to the House by a record vote of 8 ayes and 0 nays on June 24, 1983.

The following person appeared in favor of S.J.R. 1:

Elbert Harp, Executive Director, Grain Sorghum Producers Association.

There were no witnesses against S.J.R. 1.

COMMITTEE AMENDMENT NO. _____ BY: Sampson

1Ko

COMMITTEE REPORT

June 24, 1983
(date)

The Honorable Gib Lewis
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON AGRICULTURE & LIVESTOCK, to whom was referred S.J.R. 1 (measure) have had the same under consideration and beg to report back with the recommendation that it

(X) do pass, without amendment.
( ) do pass, with amendment(s).
( ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no

An author's fiscal statement was requested. ( ) yes (X) no

An actuarial analysis was requested. ( ) yes (X) no

The Committee recommends that this measure be placed on the (~~Local or Consent~~) Calendar.

This measure (X) amends the constitution of the State of Texas
( ) proposes new law.
( ) amends existing law.

House Sponsor of Senate Measure UHER

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wieting, Ch.	AYE			
Saunders, V.C.	AYE			
Patterson, C.B.O.	AYE			
Carriker	AYE			
Gibson, B.				X
Harrison, D.	AYE			
Kubiak	AYE			
Robinson	AYE			
Uher	AYE			

Total
8 aye
0 nay
0 present, not voting
1 absent

Leroy G. Wieting
CHAIRMAN

Reynolds
COMMITTEE COORDINATOR

June 24 1983 Engrossed
Patsy Spaw
Engrossing Clerk

1983 JUN 24 PM 3:58
HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct copy of SJR 1, which was received from the Senate on JUN 24 1983, and referred to the Committee on Agricultural & Livestock
Betty Murray
Chief Clerk of the House

By: Sarpalius
(Uher)

S.J.R. No. 1

SENATE JOINT RESOLUTION

proposing a constitutional amendment relating to the associations of producers of agricultural commodities.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. That Article XVI of the Texas Constitution be amended by adding Section 68 to read as follows:

"Section 68. The legislature may provide for the advancement of food and fiber in this state by providing representative associations of agricultural producers with authority to collect such refundable assessments on their product sales as may be approved by referenda of producers. All revenue collected shall be used solely to finance programs of marketing, promotion, research, and education relating to that commodity."

SECTION 2. That the Texas Constitution be amended by adding an unnumbered transition provision to read as follows:

"TRANSITION PROVISION. (a) For purposes of Section 4, S.B. 607, Acts of the 68th Legislature, Regular Session, 1983, adoption or rejection of the constitutional amendment proposed by Section 1 of S.J.R. No. 1, Acts of the 68th Legislature, 1st Called Session, 1983, has the same effect as adoption or rejection of S.J.R. No. 21, Acts of the 68th Legislature, Regular Session, 1983.

"(b) This provision expires December 1, 1983."

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or

against the proposition: "The constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products."

HOUSE COMMITTEE REPORT

1983 JUN 24 PM 9:11

REPRESENTATIVES

1st Printing

By: Sarpalius
(Uher)

S.J.R. No. 1

SENATE JOINT RESOLUTION

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June 24, 1983
(date)

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Harrison, D.	AYE			
Kubiak	AYE			
Robinson	AYE			
Uher	AYE			

Total
8 aye
0 nay
0 present, not voting
1 absent

Roy L. Wieting
CHAIRMAN

Reynolds
COMMITTEE COORDINATOR

S.J.R. 1 Committee on Agriculture and Livestock

By: Sarpalius

BILL ANALYSIS

Background Information

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The following person appeared in favor of S.J.R. 1:

Elbert Harp, Executive Director, Grain Sorghum Producers Association.

There were no witnesses against S.J.R. 1.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 24, 1983

Honorable Ray Farabee, Chairman
Committee on State Affairs
Senate Chamber
Austin, Texas

In Re: First Called Session
Senate Joint Resolution No. 1
By: Sarpalius

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 1 (proposing a constitutional amendment relating to the associations of producers of agricultural commodities) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the resolution.

This resolution would require a constitutional amendment be submitted to the voters at an election to be held November 8, 1983.

The cost of publication of this resolution is $48,850.

The amendment itself, if passed, would allow associations of agricultural producers to collect refundable assessments on commodity sales when approved by a referenda of producers. The revenues collected by the association could be used only to finance marketing promotion research and education relating to the commodity represented by such an organization.

No fiscal implication to units of local governments is anticipated.

Jim Oliver
Director

Source: Department of Agriculture; Secretary of State;
LBB Staff: JO, JH, DG, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

June 24, 1983

Honorable Leroy J. Wieting, Chair
Committee on Agriculture and Livestock
House of Representatives
Austin, Texas

In Re: First Called Session
Senate Joint Resolution No. 1,
as engrossed
By: Sarpalius

Sir:

In response to your request for a Fiscal Note on Senate Joint Resolution No. 1, as engrossed (proposing a constitutional amendment relating to the associations of producers of agricultural commodities) this office has determined the following:

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Jim Oliver
Director

Source: Department of Agriculture; Secretary of State;
LBB Staff: JO, JH, DG, PA

Enrolled June 25, 1983
Patsy Spaw
Enrolling Clerk

S.J.R. No. 1

SENATE JOINT RESOLUTION

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LEGISLATIVE BUDGET BOARD

Austin, Texas

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House of Representatives
Austin, Texas

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Jim Oliver
Director

Source: Department of Agriculture; Secretary of State;
LBB Staff: JO, JH, DG, PA

LEGISLATIVE BUDGET BOARD

Austin, Texas

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Senate Chamber
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Jim Oliver
Director

Source: Department of Agriculture; Secretary of State;
LBB Staff: JO, JH, DG, PA

against the proposition: "The constitutional amendment providing for the advancement of food and fiber production and marketing in this state through research, education, and promotion financed by the producers of agricultural products."

President of the Senate

Speaker of the House

I hereby certify that S.J.R. No. 1 was passed by the Senate on June 24, 1983, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.J.R. No. 1 was passed by the House on June 25, 1983, by the following vote: Yeas 102, Nays 24, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

S. J. R. No. 1 By Sanders

SENATE JOINT RESOLUTION

roposing a constitutional amendment relating to the associations of roducers of agricultural commodities.

_____ Filed with the Secretary of the Senate

JUN 23 1983 Read, referred to Committee on STATE AFFAIRS

JUN 24 1983 Reported favorably as amended

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

_____ Ordered not printed.

JUN 24 1983 Senate and Constitutional Rules to permit consideration suspended by unanimous consent _____ yeas, _____ nays.

_____ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

JUN 24 1983 Read second time amended and ordered engrossed ~~passed to third reading.~~

_____ Caption ordered amended to conform to body of bill.

JUN 24 1983 Senate and Constitutional 3-Day Rules suspended by vote of 29 yeas, 1 nays to place bill on third reading and final passage.

JUN 24 1983 Read third time and passed by ~~a viva voce vote.~~ 30 yeas, 0 nays.

OTHER ACTION:

Betty King
Secretary of the Senate

Jun 24, 1983 Engrossed
6-24-83 Sent to HOUSE

Patsy Spaw
ENGROSSING CLERK

JUN 24 1983 Received from Senate

JUN 24 1983 Referred to Committee on Agriculture & Livestock

JUN 24 1983 Reported favorably without amendment sent to printer 8:30 pm

JUN 24 1983 Printed + Distributed 9:11 pm

JUN 25 1983 Sent to Comm on Calendars 8:25 am

JUN 25 1983 Read and adopted by record vote of 102 yeas 24 nays 1 pnv

JUN 25 1983 Returned to Senate

JUN 25 1983 RETURNED FROM HOUSE