

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 326

An Act to amend and reenact §§ 3.1-1089, 3.1-1090, and 3.1-1091 of the Code of Virginia, relating to the assessment on cotton.

[H 2737]

Approved March 20, 2005

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-1089, 3.1-1090, and 3.1-1091 of the Code of Virginia are amended and reenacted as follows:

§ 3.1-1089. Subsequent referenda.

If the Governor issues a proclamation pursuant to § 3.1-1088 and the Cotton Board is established, then no other referendum shall be held except that the Agriculture Board, upon petition by at least ~~ten~~ 10 percent of the producers in the Commonwealth, shall provide for *either* a referendum on the continuation of the Cotton Board ~~and or a referendum on authorizing the Cotton Board to increase the assessment on cotton by a maximum of \$0.15 per bale. The Agriculture Board shall not act on any such petition until at least five years have passed since the establishment of the Cotton Board, unless the number of petitioners exceeds fifty-five percent of the producers in the Commonwealth.~~ Any referendum held under this section shall be conducted in accordance with §§ 3.1-1084 through 3.1-1087.

§ 3.1-1090. Subsequent referendum results; action of Governor.

If the Governor finds any *separate* referendum held pursuant to § 3.1-1089 in order, that at least ~~fifty~~ 50 percent of those who have met the requirements of § 3.1-1086 have voted, and that a majority of those voting are in opposition to the continuation of the Cotton Board ~~and or in opposition to allowing the Cotton Board to increase the assessment on cotton, then~~ the Governor shall so proclaim and upon such proclamation *either* the Cotton Board will be discontinued *or the assessment on cotton will not be increased*. If the Governor finds that one-half or more of those voting are in favor of the continuation of the Cotton Board ~~and or are in favor of allowing the Cotton Board to increase the assessment on cotton, then~~ the Governor shall ~~not~~ so proclaim, *and either the Cotton Board shall continue or the Cotton Board shall be authorized to increase the assessment on cotton by a maximum of \$0.15 per bale*. The cost of conducting a referendum under this section shall be from funds paid into the Virginia Cotton Fund as established in § 3.1-1101.

§ 3.1-1091. Questions to be printed on ballots.

A. ~~The question to be printed on the ballots used in the referendum held under this chapter, except the referendum authorized in § 3.1-1089, shall be:~~

~~Do you favor additional research concerning, education on, and promotion of the growth and use of cotton; the creation of a Virginia Cotton Board; and the levy of an assessment of eighty-five cents per bale of cotton sold in the Commonwealth to support additional research concerning, education on, and promotion of the growth and use of cotton?~~

B. ~~The question to be printed on the ballots used in any a referendum authorized in § 3.1-1089 on the continuation of the Cotton Board shall be:~~

~~Do you favor the continuation of the Virginia Cotton Board and the continuation of the levy of an assessment of eighty-five cents per bale of cotton produced in the Commonwealth for the purpose of research concerning, education on, and promotion of the growth and use of cotton?~~

B. The question to be printed on the ballots used in a referendum authorized in § 3.1-1089 on allowing the Cotton Board to increase the assessment on cotton by a maximum of \$0.15 per bale of cotton shall be:

Do you favor authorizing the Cotton Board to increase the assessment on cotton by a maximum of \$0.15 per bale of cotton ginned in the Commonwealth to support research, education, and promotion of the growth and use of cotton?