## TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control80 Department of Agriculture and Industries	
Rule No. <u>80-10-208</u>	
Rule Title: Rules For Transportation Companies, Common,	Carriers, Etc.
New; X Amend; Repeal; Adopt by Re	eference
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	No
Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare?	Yes_
Is there another less restrictive method of regulation available that could adequately protect the public?	No
Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?	No
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?	No
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?	Yes
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Does the proposed rule have any economic impact?	No
If the proposed rule has an economic impact, the propose be accompanied by a fiscal note prepared in accordance we Section 41-22-23, Code of Alabama 1975.	ed rule is required to with subsection (f) of
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Certification of Authorized Official	
I certify that the attached proposed rule has been proposed compliance with the requirements of Chapter 22, Title 41 $\frac{1975}{1}$ , and that it conforms to all applicable filing requirements. Administrative Procedure Division of the Legislative Ref	. Code of Alabama
Signature of certifying officer John W. Melley	
Date: 3-21-11	

(DATE FILED)
(STAMP)

## ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES DIVISION OF PLANT INDUSTRY

## NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule Nos. & Titles 80-10-2-.08 Rules For Transportation Companies, Common, Carriers, Etc.

Intended Action: To Amend.

Substance of Proposed Action: To add sweet potato table stock as an item that transportation companies should not transport without appropriate certication tags.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date, Tuesday, May 10, 2011, at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 10, 2011.

Contact Person at Agency: Robert J. Russell, Assistant Attorney General and Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

3-21-11

Date

John McMillan,

Commissioner of Agriculture and Industries

## 80-10-2-.08 Rules For Transportation Companies, Common, Carriers, Etc.

- (1) All transportation and common carriers shall refuse to accept for shipment any consignment of sweet potato seed when such shipment is not accompanied by a valid sweet potato seed certificate tag. Such carriers shall also refuse to accept for shipment sweet potato plants not accompanied by a valid sweet potato plant certificate tag and tied with valid sweet potato plant certificate tape. Such carrier shall also refuse to accept for shipment sweet potato table stock not accompanied by a valid sweet potato green tag.
- (2) In accordance with Code of Ala. 1975, §22511, it shall be the duty of the transportation companies and common carriers to withhold delivery and notify the commissioner of the arrival within the state of Alabama of any shipment of plants or parts thereof within the scope of this regulation, when such shipment is made in violation of any of the provisions of this regulation.

Author: Charles H. Barnes, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2251, et seq.

**History:** Filed April 19, 1982 as Rule No. 80101.02. Rules reformatted Rule No. changed to Chapter 80102: Filed June 19, 1986. **Amended:** Filed December 9, 1988. **Amended:** Filed March 21, 2011.