TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries	3
Rule No. 80-10-210	
Rule Title: <u>Violations</u>	
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?	<u>Yes</u>
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 proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975 .	
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I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 , and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.	
Signature of certifying officer John Mc Millan Date: 3-2///	- Michigan Action
Date: 3-2///	

(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-.10 Violations.

Intended Action: To Amend.

Substance of Proposed Action: To add sweet potato table stock.

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.

3-2/-// Date

John McMillan,

Commissioner of Agriculture

and Industries

80-10-2-.10 Violations. Sweet potato seed, or sweet potato plants or sweet potato table stock found infested with any pests which presents a potential hazard to the sweet potato industry, or which is otherwise in violation of any of the provisions of this chapter shall be declared to be a public nuisance and shall be suspended from sale, confiscated, ordered to be destroyed, or destroyed by the commissioner. The cost for removal and destruction of sweet potato seed, or sweet potato plants, declared to be a public nuisance shall be borne by the owner, shipper, or person in charge of such sweet potato seed, or sweet potato plants. At the discretion of the commissioner, the sweet potato seed, or sweet potato plants, or sweet potato table stock declared a public nuisance may be shipped out of Alabama at the expense of the owner, shipper, or person in charge of sweet potato seed, or sweet potato table stock.

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.