TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industri	es
Rule No. 80-3-1716	
Rule Title: Certificates To Be Posted, Permit Fees.	
New;x _Amend; Repeal;Adopt by R	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? Moderate	Yes
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 accompanied by a fiscal note prepared in accordance Section 41-22-23, Code of Alabama 1975 .	osed rule is required to e with subsection (f) of
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I certify that the attached proposed rule has been procompliance with the requirements of Chapter 22, Title 1975, and that it conforms to all applicable filing readministrative Procedure Division of the Legislative Region 1975.	41, <u>Code of Alabama</u> equirements of the
Signature of certifying officer John McWilla	un
Date: 9-20-2011	

(DATE FILED) (STAMP)

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES FOOD SAFETY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-3-17-.16 Certificates To Be Posted, Permit Fees.

Intended Action: To Amend

<u>Substance of Proposed Action:</u> To change the annual permit fee to \$10.00 for independent hatcheries and chick dealers and to include a \$50.00 fee for commercial hatcheries.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 8, 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: November 8, 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.

9-20-2011

Date

John McMillan

Commissioner of Agriculture and Industries

apa-2.frm

80-3-17-.16 Certificates To Be Posted, Permit Fees.

- (a) No person, firm or corporation shall operate a public hatchery, and no chick dealer or jobber shall operate within this state without first obtaining an annual permit from the state Commissioner of Agriculture and Industries to so operate. The fee to be paid for such annual permit shall be \$35.00, \$10.00 for independent hatcheries and chick dealers and \$50.00 for commercial hatcheries. , which shall be due and payable on January 1 of each year; and, unless such permit fee is paid within 30 days, a 15 percent delinquent penalty shall be added. All permit fees, including delinquent penalty fees,—shall be paid into the Agricultural Fund of the State Treasury. Said permit may be revoked for a violation of this article or the regulations promulgated under this article.
- (b) All hatcheries, chick dealers or jobbers offering chicks for sale to the public shall post in a conspicuous manner in their place of business a certificate furnished by the Department of Agriculture and Industries.

Authors: Charles H. Barnes, John P. Hagood, Robert J. Russell Statutory Authority: Code of Ala. 1975, §2162, 2163.

History: Filed April 19, 1982. Amended: Filed September 20, 2011.