TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries	
Rule No.: 80-8-506	
Rule Title: Persons Entitled to Vote	
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?	N/A
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.	sed rule is required to with subsection (f) of
**************************************	osed in full 1. Code of Alabama
Administrative Procedure Division of the Legislative Re Bignature of certifying officer A Moule	ference Service.
Date: $-(b-10)$	

(DATE FILED) (STAMP)

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-8-5-.06 Persons Entitled To Vote

Intended Action: To Amend

<u>Substance of Proposed Action:</u> To clarify which producers may vote in the referendum.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 8, 2016, at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama, 36117.

Final Date for Comment and Completion of Notice: November 08, 2016.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

Date

JøM McMillan

commissioner of Agriculture

and Industries

apa-2.frm

80-8-5-.06 Persons Entitled To Vote.

- (1) All persons subject to the deduction of \$.01 per bushel from the sale price of their feed grains are entitled to vote in the referendum upon the question of whether they favor an assessment of one cent (\$.01) per bushel to be deducted from the sale price of their feed grains sold during the period beginning November 16, 2011, and ending on November 16, 20016, for the next five years, provided such persons produced feed grains in 2010 the year before the referendum or planted feed grains for harvest in 2011 the year of the referendum.
- (2) Each feed grains producer shall have one vote where the production operation is conducted by an individual, partnership, corporation, estate or other legal entity. If the feed grains production operation is conducted as a family enterprise and different members of the family produce feed grains which are sold separately, each such producer is entitled to one vote. If the feed grains production operation is conducted by a partnership, corporation, estate or other legal entity, then one individual shall be designated to vote for such a production operation. Where feed grains are produced on lands of another, on a share crop or share tenant basis and such share cropper receives feed grains which he sells, then such share cropper is entitled to vote in the referendum.
- (3) Each eligible voter shall vote in person at an established polling place. Proxy voting or voting by mail shall not be permitted.

Authors: Robert J. Russell, Reginald L. Sorrells, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §2-8-249.

History: Filed August 23, 1986. Amended: Filed August 27,

1991. Amended: Filed August 15, 1996; effective September 19,

1996. Amended: Filed August 15, 2001; effective September 19,

2001. Amended: Filed August 18, 2006; effective September 22,

2006. Amended: Filed May 12, 2011; effective June 16, 2011.

Amended: