



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

**Substance of Proposed Action:** 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

9-13-16

John McMillan

Commissioner of Agriculture  
and Industries

**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, 2016,~~ 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:**