

TRANSMITTAL SHEET FOR
 NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-11-1-.07

Rule Title: Permit Fees For Seed Dealers and Processors

 New; X Amend; Repeal; Adopt by Reference

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? 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

 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.

 Certification of Authorized Official

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 McMillan

Date: June 16 2011

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
FOOD SAFETY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-11-1-.07 Permit Fees For Seed Dealers And Processors

Intended Action: To amend

Substance of Proposed Action: To update fees.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, August 9, 2011 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: August 9, 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.

June 16 2011
Date

John McMillan
John McMillan
Commissioner of Agriculture
and Industries

80-11-1-.07 Permit Fees For Seed Dealers And Processors.

(1) Pursuant to Code of Ala. 1975, §2-26-5, Every person who sells, offers for sale, exposes for sale, distributes or solicits orders for the sale of any agricultural, vegetable, herb, tree, shrub or flower seed to retail seed dealers, farmers or to others who use or plant such seed in the State of Alabama shall, before selling or offering such seed for sale or distributing or soliciting orders for the sale of such seed and on or before January 1 of each year secure an annual permit from the Commissioner of Agriculture and Industries to engage in such business. Seed dealers and other sellers of seed shall apply for an annual permit upon forms prescribed by the commissioner, and such permit shall be issued upon the payment of the following permit fees when the application is in proper form:

(a) For each person engaged in selling seed at retail in closed containers or packets of eight ounces or less displayed on a supplemental container display such as a seed rack, a permit fee of \$5.00 for each such supplemental container display;

(b) For each person selling seed to retail seed dealers, farmers or others who use or plant such seed, not displayed on a supplemental container display, a permit fee for each such place of business or each such representative or representatives, where such person does not maintain an established place of business in Alabama, shall be based on gross receipts from the sale of such seed for the last preceding year in Alabama as follows:

Gross Receipts Permit Fee

1. Receipts of \$2,500.00 or less.....	\$ 10.00	<u>\$ 15.00</u>
2. Receipts of \$2,500.01 through \$25,000.00.....	\$ 35.00	<u>\$ 50.00</u>
3. Receipts of \$25,000.01 through \$50,000.00.....	\$ 70.00	<u>\$ 70.00</u>
4. Receipts of \$50,000.01 through \$100,000.00....	\$125.00	<u>\$ 150.00</u>
5. Receipts of \$100,000.01 through \$200,000.00...	\$250.00	<u>\$ 300.00</u>
6. Receipts of \$200,000.01 through \$300,000.00...	\$350.00	<u>\$ 400.00</u>
7. Receipts of \$300,000.01 through \$400,000.00...	\$450.00	<u>\$500.00</u>
8. Receipts of \$400,000.01 through \$500,000.00...	\$550.00	<u>\$600.00</u>
9. Receipts of more than \$500,000.00.....	\$700.00	

(c) Persons engaged in the operation of seed cleaning or processing plants, including peanut shellers, seed treaters and corn processors, and persons who purchase seed and process such seed for resale shall be required to obtain a permit as required under this section if such persons clean and/or process or treat seed at their plant, and the annual fee to be paid therefore shall be \$75.00.

Author: John P. Hagood, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §2-26-5.

History: New Rule: Filed August 16, 2004, effective September 20, 2004.**Amended:** Filed June 16, 2011.