

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-5-1-.08

Rule Title: Stacking Of Maximum Penalties Prohibited. "REPEAL"

       New;        Amend; X 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?        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

\*\*\*\*\*  
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 McHellan

Date: June 16 2011

(DATE FILED)  
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
PESTICIDE MANAGEMENT

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-5-1-.08 Stacking of Maximum Penalties Prohibited.  
"REPEALED"

Intended Action: To Repeal

Substance of Proposed Action: No longer needed

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

**80-5-1-.08 Stacking Of Maximum Penalties Prohibited. "REPEALED"**

The maximum penalty for multiple violations arising out of the same set of circumstances or facts concerning the same permittee or licensee shall be no greater than the single largest penalty, allowed for any one proven violation.

**Author:** Charles H. Barnes, Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2218.

**History:** Filed February 21, 1990, **REPEALED:** Filed June 16, 2011.