

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-10-2-.01

Rule Title: Purpose.

 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? 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 McCalla

Date: 3-21-2011

APA-2
6/96

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
DIVISION OF PLANT INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule Nos. & Titles: 80-10-2-.01 Purpose.

Intended Action: To Amend

Substance of Proposed Action: Amended to add the word certification as intent of rule and add Sweet Potato table stock as a certifiable article.

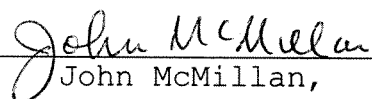
Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date, Tuesday, May 10, 2011, at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: May 10, 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.

3-21-2011

Date



John McMillan,
Commissioner of Agriculture
and Industries

80-10-2.01 Purpose.

(1) The purpose of this Chapter is to prevent the dissemination of sweet potato pests. The following rules in this Chapter govern the movement ~~or~~, shipment, and certification within or into the State of Alabama of sweet potato seed, plants, table stock or vines.; ~~provided, that~~ No sweet potato seed, sweet potato plants or vines ~~within~~ will be certified in the areas designated by the Commissioner as infested with the sweet potato weevil. The Commissioner may deem table stock grown in an infested area to be certified provided they have been trapped, inspected and found free of sweet potato weevil (Cylas formicaris) by the Commissioner or his representative. ~~the areas which have been designated by the Commissioner as infested with the sweet potato weevil shall be eligible for certification.~~

(2) The provisions herein shall not be construed to prohibit the possession or movement of noncertified sweet potato seed, plants, or vine cuttings for propagation purposes within the limits of a farm where such were produced.

Author: Charles H. Barnes, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2251, et seq.

History: Filed April 19, 1982 as Rule No. 80101.02. Rules reformatted Rule No. changed to Chapter 80102: Filed June 19, 1986. **Amended:** Filed December 9, 1988. **Amended:** Filed March 21, 2011.