

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-10-2-.03

Rule Title: Application For Inspection.

       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?

JUSTIFIED

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.

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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: 3-21-11

(DATE FILED)

(STAMP)

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-.03 Application For Inspection.

Intended Action: To Amend.

Substance of Proposed Action: Changed time of applicatin for certification to February 1st of each year. Increased annual certification fee to \$100.00 and inpection fee to \$5.00 per Acre.

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.

3-21-11  
Date

John McMillan  
John McMillan,  
Commissioner of Agriculture  
and Industries

**80-10-2-.03 Application For Inspection.**

(1) All growers in the State of Alabama who intend to sell or exchange sweet potato seed or plants for propagation or distribution purposes the following year should apply to the commissioner for certification on or before ~~May 15~~ February 1, on forms supplied by the commissioner. Only one application is necessary to obtain field, storage, and plant bed inspections.

(2) The annual certification fee of ~~three (\$3.00)~~ one hundred dollars (\$100.00) shall accompany the application for inspection. A trapping and inspection fee of \$5.00 per acre is required for each acre of Sweet Potatoes grown or produced for sale or distribution.

(3) Delinquent fees shall be handled as provided under Code of Ala. 1975, §292.

**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.