TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries		
Rule No80-8-506		
Chapter Title: Persons Entitled to Vote		
New; x Amend; Repeal; Adopt by Reference		
Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?	Yes	
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?	<u>No</u>	
If the proposed rule has an economic impact, the proposed r required to be accompanied by a fiscal note prepared in acc subsection (f) of Section 41-22-23, Code of Alabama 1975 .	ule is ordance	with
**************************************	*****	****
I certify that the attached proposed rule has been proposed compliance with the requirements of Chapter 22, Title 41, \underline{C} Alabama 1975, and that it conforms to all applicable filing of the Administrative Procedure Division of the Legislative Service.	ode of require	ments
Signature of certifying officer Date: 3/14///		

(DATE FILED) (STAMP)

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES DIVISION OF MARKETING

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

<u>Substance of Proposed Action:</u> To renew the period during which feed grain is sold in regards to Persons entitled to vote in the referendum.

<u>Time, Place, Manner of Presenting Views:</u> Views may be presented in writing to the contact person below or in person on the meeting date May 10, 2011 in the Auditorium 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.

Date

John McMillan

Commissioner of Agriculture

and Industries

apa-2.frm

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, $\frac{2006}{2011}$, $\frac{2006}{2011}$, and ending on November 16, $\frac{2011}{2016}$, provided such persons produced feed grains in $\frac{2005}{2011}$.
- 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.
- an established polling place. Proxy voting or voting by mail shall not be permitted.

 Authors: Robert J. Russell, Reginald L. Sorrells,
 Robert J Russell Statutory Authority: Code of Ala. 1975,
 \$2-8-24 9. 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: