

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 390 Department or Agency Alabama Forestry Commission
 Rule No. Chapter 390-X-2
 Rule Title: Acreage Assessment Referendum
 New Amend X 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? N/A

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 an 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 Services Agency.

Signature of certifying officer 

Date April 18, 2018

(DATE FILED)
(STAMP)

APA-2

ALABAMA FORESTRY COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Forestry Commission

CHAPTER NO. & TITLE: 390-X-2 Acreage Assessment Referendum

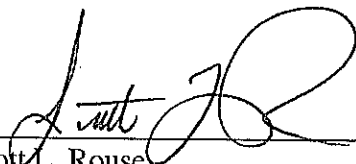
INTENDED ACTION: To repeal the entire chapter (§§ 390-X-2-.01, 390-X-2-.02, 390-X-2-.03, 390-X-2-.04, 390-X-2-.05, 390-X-2-.06, and 390-X-2-.07)

SUBSTANCE OF PROPOSED ACTION: This chapter concerns the administration of a statewide acreage assessment referendum held in 1990. The provisions of this chapter are obsolete and no longer needed.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented orally or in writing on or before June 15, 2018. Such input should be addressed to Scott L. Rouse, General Counsel, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 15, 2018

CONTACT PERSON AT AGENCY: Scott L. Rouse, General Counsel, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104, (334) 240-9342.



Scott L. Rouse
Secretary of Administrative Procedure

ALABAMA FORESTRY COMMISSION
ADMINISTRATIVE CODE

CHAPTER 390-X-2 [REPEALED]
ACREAGE ASSESSMENT REFERENDUM

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390-X-2-.01 Purpose Of Referendum [REPEALED]. A referendum shall be held by the Alabama Forestry Commission on a statewide basis on Tuesday, July 17, 1990, at which time forest landowners may vote upon the question of whether they favor an assessment of 10 cents (ten cents) per acre on forestlands to be used for forest fire prevention and protection.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.

390-X-2-.02 Notice [REPEALED]. Written notice of the referendum shall be given to each Alabama Forestry Commission county supervisor in the state. Each county supervisor shall, not less than thirty (30) days before the date of the referendum, cause to be published at least once a week for three weeks in a newspaper of county-wide circulation the date, hours, polling places and rules for voting in said referendum, along with the amount and basis of the assessment to be collected, the means by which such assessment shall be collected, and the general purposes to which said amount so collected shall be expended and applied.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.

390-X-2-.03 Polling Places [REPEALED]. The referendum shall be held in each county in the Alabama Forestry Commission county office and, optionally, at one other location in each county to be determined by the Alabama Forestry Commission. The poll shall be open for voting from 8:00 a.m. to 6:00 p.m. on the date of the referendum.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.

390-X-2-.04 Poll Workers [REPEALED]. Each polling place shall have two individuals who shall serve as poll workers to be in charge of and supervise the voting. One poll worker shall be appointed by the Alabama Forestry Commission and the other shall be appointed by the probate judge in each county. The Alabama Forestry Commission shall furnish all necessary ballots and county election supplies and shall bear all expenses incident and necessary to holding the referendum.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.

390-X-2-.05 Eligibility To Vote. [REPEALED]

(1) The referendum will be open to all forest landowners and/or lessees who control over 10 acres of forestland. Each landowner/lessee shall receive one vote regardless of acreage owned or joint ownership. In cases of leased land, the person responsible for paying the ad valorem tax on the property shall have the right to vote. Corporations who own or lease land may appoint an elector who will be allowed one vote in the name of said corporation.

(2) All voters will cast their ballots in the county where they reside or in which they are a registered voter. Landowners or lessees who are not registered voters will be allowed to vote in the county in which they reside, or if they are not residents of the State of Alabama and do not wish to vote an absentee ballot, then in the county in which they own land.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.

**390-X-2-.06 Procedures For Casting And Counting Ballots
[REPEALED].**

(1) Upon entering the polling place, each voter will be required, prior to casting his or her ballot, to sign an affidavit certifying that he or she is a forest landowner and/or lessee and controls at least ten acres of forestland. The landowner will be required to list the counties in which he or she owns and/or leases forestland. When the affidavit is given to a poll worker, the voter will receive a paper ballot which will explain the assessment and will have spaces in which to mark "yes" or "no." Voters will vote by secret ballot and, after the vote is cast it shall be deposited and kept in a locked ballot box.

(2) As soon as the last voter has voted and the polls have closed, the poll workers shall immediately open the ballot boxes and count and tabulate the votes. The results will be reported on a tally form and certified by both poll workers to the Alabama Forestry Commission. Any interested individual who cares to be present when the ballots are counted may be present and observe the vote counting and tabulation of results.

(3) The Certificate of Results by poll workers and all marked ballots will be sent by messenger directly to the Alabama Forestry Commission state office, and a copy of the certificate will be mailed to the Secretary of State. The Alabama Forestry Commission representative will also, immediately upon completion of the vote count, call the Alabama Forestry Commission state office and report the results.

(4) The statewide results will be tabulated by the Alabama Forestry Commission state office under the supervision of the Accounting Section and the result will be announced by the state office.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.

390-X-2-.07 Absentee Ballots [REPEALED]. Absentee ballots will be allowed. Landowners who will be out of state, or otherwise unable to go to the polling place on July 17, 1990, may request in writing an absentee ballot from the Alabama Forestry Commission, 513 Madison Avenue, Montgomery, AL, 36130. These ballots will be available after June 6, 1990. Ballots must be received at the Alabama Forestry Commission state office by 5:00 p.m. on July 17, 1990. Late ballots will not be counted.

Author: Linda Breland

Statutory Authority: Code of Ala. 1975, §§ 9-13-188, et seq.

History: Filed May 28, 1990; repeal proposed April 30, 2018.