

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Chapter No.: 80-8-12

Chapter Title: Peanut Promotional Referendum

New; 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? N/A

Is there another less restrictive method of regulation available that could adequately protect the public? N/A

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 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 McMill

Date: 12/12/2017

(DATE FILED)
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Chapter NO. & Title: 80-8-12 Peanut Promotional Referendum

Intended Action: To Create New Chapter


Substance of Proposed Action: To provide uniformity with check-off commodities so that the rules governing the referendum are clear and unchanging between commodities and conform entirely to the Code of Alabama.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, February 13, 2018, at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama, 36117.

Final Date for Comment and Completion of Notice: February 13, 2018.

Contact Person at Agency: N. Gunter Guy Jr., Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

12/12/2017
Date



John McMillan
Commissioner of Agriculture
and Industries

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
ADMINISTRATIVE CODE

MARKETING

CHAPTER 80-8-12
PEANUT PROMOTIONAL REFERENDUM "New Chapter"

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80-8-12-.01 Purpose.

The purpose of this Chapter is to establish the rules and procedures to govern the conduct of a referendum under the terms of Code of Alabama. This referendum will allow peanut producers to vote an assessment against themselves which will be used for promotion of the peanut industry in Alabama.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-120

History: Filed:

80-8-12-.02 Referendum to be Held.

Pursuant to Code of Ala. 1975, § 2-8-123 the Association certified by the State Board of Agriculture and Industries shall hold a referendum amongst producers of peanuts. At that time Alabama peanut producers will vote and determine if they favor paying for a period of 3 years from the date of the referendum, an assessment in an amount not to exceed the limit set forth in the Code of Ala.1975, §2-8-126.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-122

History: Filed:

80-8-12-.03 Conduct of Referendum; Payment of Expenses.

- (1) The Association certified by the State Board of Agriculture and Industries shall have the responsibility to arrange, manage and conduct any referendums.
- (2) All expenses and costs necessary to conduct any referendums shall be borne by the Association certified by the State Board of Agriculture and Industries.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-127

History: Filed:

80-8-12-.04 Notice Requirements.

Not less than 30 days before any referendum is held, the Association certified by the State Board of Agriculture and Industries shall give notice of such referendum by publishing same in an established farm publication and by mailing a written notice to each county extension coordinator in the area covered by the referendum. Notice shall also be published once a week in a newspaper in the county in which USDA inspection and buying points for peanuts are located for three successive weeks next preceding the referendum. The notice shall include, at minimum, the date of the referendum, the hours that the polls will be open, the addresses of polling places, the rules for voting in the referendum, the amount and basis of the assessment proposed to be collected, the means by which such assessment shall be collected and the general purpose for which the assessment is collected.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-126

History: Filed:

80-8-12-.05 Polling Places and Time of Operation.

- (1) Voting facilities shall be provided in counties in which peanuts are produced or processed. Additional facilities may be provided should the Association certified by the State Board of Agriculture and Industries find same advisable.
- (2) Polls shall be open from 8:00 a.m. to 4:00 p.m. on the date of the referendum.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-131

History: Filed:

80-8-12-.06 Persons Eligible to Vote; Voting Requirements.

- (1) All individuals who in the past 3 crop years immediately preceding the referendum produced peanuts and shall be subject to an assessment levied shall be eligible to cast a vote in the referendum. If there is any question of eligibility, the Association certified by the State Board of Agriculture and Industries is authorized to request any additional information permitted by law.
- (2) Each producer shall have one vote.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-128

History: Filed:

80-8-12-.07 Polling Procedures; Certifying of Results.

- (1) There shall be two persons at each polling place who shall serve as poll holders. Such poll holders shall be in charge of and supervise the voting.
- (2) Each polling place shall have a voting register in the form of an affidavit. Prior to casting his or her vote, each person who is entitled to vote in the referendum shall sign his or her name to the register. Also, each voter shall write in the register his or her address and the total number of acres they had in production of peanuts in the last year.
- (3) Each producer shall be provided a ballot. The producer will mark whether he approves or disapproves the promotional program.
- (4) Votes shall be cast by secret ballot. Each marked ballot shall be deposited in a ballot box or other designated container where it will be kept until such time as it is counted.
- (5) As soon as the polls close and the last vote is cast, the poll holders shall open the ballot boxes or other containers, count each ballot and tabulate the results of the count. They will then report the results to the Association certified by the State Board of Agriculture and Industries. Following the referendum and within 10 days thereafter, the Association certified by the State Board of Agriculture and Industries shall publicly declare and announce the results.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §2-8-132

History: Filed: