

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
MARKETING
ADMINISTRATIVE CODE

CHAPTER 80-8-10
RULES FOR SHRIMP PROMOTIONAL REFERENDUM

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80-8-10-.01 Purpose. The purpose of this Chapter is to establish rules and procedures governing referendums under the terms of §§2-8-351, et seq., Code of Ala. 1975 for shrimp producers. The referendums will be held to allow licensed and authorized commercial shrimp boat owners/producers, herein called "shrimpers" to vote an assessment against themselves to be used for the promotion of the shrimp industry in the State of Alabama.
Author: Robert J. Russell
Statutory Authority: Code of Ala. 1975, §§2-8-351, et seq.
History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.02 Referendum To Be Conducted.

The Association certified by the State Board of Agriculture and Industries shall hold a referendum in the Alabama counties of Baldwin and Mobile referenced herein as the "Certified Association". At the time of the referendum, Alabama shrimpers shall vote to determine if they favor paying for a period of five years from the date of the referendum, an assessment in an amount not to exceed one and one quarter cents (\$0.0125) per gallon on

the sale to or purchase of marine diesel fuel in this state by shrimpers licensed and authorized to do business in the state.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-354, 2-8-355, 2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.03 Conduct Of Referendum; Payment Of Expenses.

(1) The Certified Association shall have the responsibility to arrange, manage and conduct any referendums. It shall also be responsible to furnish all necessary ballots and arrange for the necessary poll holders.

(2) All expenses and costs necessary to conduct any referendums shall be borne by the Certified Association.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.04 Notice Requirements. Not less than 30 days before a referendum is to be held, the Certified Association shall give notice of such referendum by publishing same in its trade publications and by mailing a written notice to each county extension agent or coordinator in Baldwin and Mobile Counties. Additionally, public notice of the exact location of each polling place shall be given in advance of the referendum. The notice shall include, at minimum, the date of the referendum, hours the polls will be open, the exact location 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 purposes for which said amount so collected shall be expended and applied.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.05 Polling Places And Time Of Operation.

(1) Voting facilities shall be provided in the county seat of Baldwin and Mobile counties in the State of Alabama.

Additional facilities may be provided at the discretion of the Certified Association.

(2) The polls shall be open from 8:00 a.m. until 5:00 p.m. on the date of the referendum.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.06 Polling Procedures; Certifying Of Results.

(1) There shall be no less than 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 voter's register. Prior to casting his or her vote, each person who is entitled to vote in the referendum as further provided herein, shall sign his or her name to the register. Also, each voter shall write in the register his or her address, phone number, and the name of the authorized shrimper represented.

(3) In order to insure that all voting is secret and confidential, each voter shall be provided with a printed ballot. The ballot shall contain a statement explaining the purpose of the referendum and a place to vote on whether the shrimper approves or disapproves the proposed action.

(4) Each marked ballot shall be folded and deposited in a ballot box or other 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 immediately open the ballot boxes or other containers, count each ballot and tabulate the results of the count. Any interested individual may be present and observe the counting of the votes and the tabulation of the results.

(6) After each ballot has been counted and the results tabulated, the poll holders shall place the marked ballots into some kind of container which shall be sealed. This container, along with a certification of the results of the count of the ballots, shall be delivered immediately to the Chairman of the Referendum Committee of the Certified Association. Within ten (10) days of the Referendum Committee having received all the certified results from Baldwin and Mobile counties in the State, it shall tabulate, publicly declare, and announce the results of

the referendum. Also, within ten (10) days of receipt of the results from each county, a certified copy of the results of the referendum shall be forwarded to the Commissioner of Agriculture and Industries.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.07 **Persons Entitled To Vote.** All licensed and authorized commercial shrimp boat owners/producers, referenced herein as "shrimpers", which made shrimp landings in the year immediately preceding and not less than thirty (30) days prior to the referendum shall be eligible to cast votes in the referendum. If there is any question of eligibility, the Certified Association is authorized to request any additional information allowed by statute.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.08 **Voting Requirements.**

(1) Each shrimper licensed and authorized to do business in the state in the geographic area covered by the referendum shall have one vote cast by an authorized individual named and certified in writing to the Certified Association not less than 20 days prior to the referendum date, whether the production operation is conducted by an individual (sole proprietorship), partnership, estate, corporation, limited liability company, or other legal entity, including parent-subidiaries and any one or more of the foregoing.

(2) Each eligible voter designated or otherwise shall vote in person at an established polling place. Neither proxy voting or voting by mail shall be allowed.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-298.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.09 **Method Of Collection.**

(1) The assessment shall be collected at the first point of sale by the distributors, when the retailer orders fuel to be used by commercial shrimping vessels in Alabama. The one and one quarter cents (\$.0125) per gallon assessment is added to the wholesale price or cost of fuel purchased by the retailer. Provided, however, if the fuel is ordered or intended to be used for purposes other than those set out in the statutory authority then no assessment should be collected by the distributor.

(2) A distributor shall include every person or entity who shall engage in the selling of marine diesel fuel at wholesale and not in broken or component quantities at retail.

(3) The amount of such assessment collected by the wholesaler shall be remitted to the Commissioner of Agriculture and Industries by the twentieth day following the deduction from the retailer from the account of the retailer.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-354, 2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.

80-8-10-.10 **Bond Required For Certified Association.** The treasurer of the Certified Association shall be bonded in an amount of not less than two-hundred thousand dollars (\$200,000). At the end of a completed year of assessment collections, the above bond amount requirement will be adjusted to adequately reflect as required under the law, the amount of assessment forwarded to the Certified Association.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-8-355.

History: New Rule: Filed February 11, 2005; effective March 18, 2005.