

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
MARKETING
ADMINISTRATIVE CODE

CHAPTER 80-8-2
POULTRY PROMOTIONAL PROGRAM

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80-8-2-.01 Referendum To Be Held.

A referendum shall be held by the Alabama Poultry and Egg Association on a statewide basis every three years, wherein all owners of hens who will be subject to the assessment from the sale price thereof shall be given an opportunity to vote upon the question of whether they favor such an assessment for financing a poultry and egg promotional program in Alabama to be conducted through research, education, advertising and other methods.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-167.

History: Filed December 6, 1985.

80-8-2-.02 Notice Requirements For Referendum.

Due notice and publicity of the referendum shall be given by the Alabama Poultry and Egg Association. Each County Agriculture Extension Chairman shall be given notice of the referendum and such information shall also be published in the official trade publication of the Alabama Poultry and Egg Association. Every effort shall be made to assure that every eligible egg producer shall have an opportunity to vote in this referendum.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-167.

History: Filed December 6, 1985.

80-8-2-.03 Voting Procedures And Tabulation.

(1) All known Alabama egg producers shall be mailed, at least two weeks prior to the election, a ballot, certification form, instructions for completing the form and ballot, two envelopes, a postage-paid envelope, and summary of the Poultry Promotional Law. Each producer will be instructed to complete a certification form and to seal this form in an envelope and to complete his ballot and seal the ballot in a separate envelope. Both envelopes will then be placed in the postage-paid envelope and mailed to the Alabama Poultry and Egg Association. Within 10 days following the referendum, the ballots shall be tabulated by a committee appointed by the president of the Alabama Poultry and Egg Association and the results thereof shall be announced with a certified copy being forwarded to the Commissioner of Agriculture and Industries. The postage-paid envelope used in the referendum will be marked **Poultry Promotional Referendum**. The tabulating committee will open each envelope and will first check the certification of each producer voting in the referendum. After the producer is certified as eligible to vote in the referendum, the sealed envelope containing the ballot will be placed in a ballot box or other container with the other sealed ballots. This procedure shall be followed to assure a **secret ballot** voting election as well as an accurate tabulation of the results of voting in the referendum. All envelopes, ballots, tabulation sheets and certification thereof shall be kept and preserved for any future inspection to determine that the foregoing procedure was followed.

(2) All owners of hens, including breeder hens, engaged in the production of eggs who shall be subject to the assessment upon the sale of hens shall be eligible to vote in the referendum; provided, however, owners of hens shall own 3,000 hens, or more, before he or she is eligible to vote as no assessment or deduction shall be made against any owner of hens who owns less than 3,000 hens in his egg production operation as it is the intent and purpose of the law to apply to commercial operators only.

(3) Each egg production operation shall have one vote, only, if such operation is owned by an individual, partnership or corporation. If the egg production operation is conducted as a family enterprise and different members of the family own hens kept in separate houses and sold separately, each owner may vote, provided each such owner owns the required number of hens for voting purposes, 3,000 or more. If the egg production operation is owned by a partnership or corporation, then one individual shall be designated to vote for the partnership or the corporation.

(4) The Alabama Poultry and Egg Association shall furnish all necessary ballots and other election supplies and bear all expenses necessary and incident to holding the referendum.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-167.

History: Filed December 6, 1985.

80-8-2-.04 Exemptions From Poultry Promotional Program.

Owners and sellers of hens shall not be required to assess the poultry promotional program assessment per hen from the sale price of hens where the flock-owner seller owns less than three thousand (3,000) hens before the hens are sold.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-167.

History: Filed April 19, 1982. **Amended:** Filed May 20, 1983.

80-8-2-.05 Record Requirements For Poultry Promotional Program.

Owners and sellers of hens which sell hens for the purpose of dressing, processing or reselling to processors whether said buyers are located within the State of Alabama or not, shall, at the time of sale of their hens from which the poultry promotional program assessment is assessed, prepare in triplicate a hen sellers report upon which there must be shown the date of sale, the name of seller, name of buyer, the number of light hens sold, the number of heavy hens sold, the total amount assessed on the sale price of such hens and the sellers permit number. One copy of the hen sellers report shall be kept by the seller, and two copies shall be included with the monthly remittance report required to be forwarded to the Department of Agriculture and Industries at the end of each month.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-167.

History: Filed April 19, 1982. **Amended:** Filed May 20, 1983.

80-8-2-.06 Form Requirements For Poultry Promotional Program.

The total amount of monthly assessments from the poultry promotional program assessment, per hen assessed on the sale price thereof by owners and sellers of hens, required to be remitted to the Commissioner of Agriculture and Industries by such sellers of hens at the end of each month shall be accompanied by a form prescribed and furnished by the Commissioner.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-8-167.

History: Filed April 19, 1982. **Amended:** Filed May 20, 1983.