

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI Mississippi State Tax Commission Alcoholic Beverage Control Division

Mississippi State Tax Commission
Commission Secretary
c/o Sam Polk, Esq.
Post Office Box 22805
Jackson, Mississippi 39225-2805

601-923-7401
CommSec@mstc.state.ms.us

Specific Legal Authority authorizing the promulgation of Rule: Mississippi Code Annotated Section 67-1-37(e) (Rev. 2005)

Reference to Rules repealed, amended or suspended by the Proposed Rule: Title 35, Mississippi State Tax Commission, Part II, Alcoholic Beverage Control, Subpart I, Chapter 2

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: When this rule was submitted to the Secretary of State's office in the summer of 2006 for publication in the Mississippi Administrative Code, through clerical error in transferring the text, sections of the rule that were actually repealed on January 1, 1989 were incorrectly submitted as the current text. Through inadvertence, this was an editorial/clerical mistake made in preparing this rule for publication. This proposed amendment to the rule corrects the mistake.

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Tuesday, November 21, 2006, 9:00 a.m., State of Mississippi Liquor Distribution Center, Coaches' Conference Room, 1286 Gluckstadt Road, Madison, Mississippi 39110. For additional information, contact Dave Scott, Esq., ABC Staff Attorney, 601-923-7412.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least 3 day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

The agency has determined that an economic impact statement is not required for this rule, or

The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: October 31, 2006

Proposed Effective Date of Rule: January 5, 2007

Samuel T. Polk, III, Commission Secretary
November 1, 2006

SOS FORM APA 001
Effective Date 07/29/2005