

NOTICE OF RULE ADOPTION—FINAL RULE

**STATE OF MISSISSIPPI
Mississippi State Tax Commission
Alcoholic Beverage Control Division**

Mississippi State Tax Commission
c/o Samuel T. Polk, III, Commission Secretary
Post Office Box 22805
Jackson, Mississippi 39225-2805
601-923-7401
CommSec@mstc.state.ms.us

Reference to Rules repealed, amended or suspended by the Proposed Rule: Title 35, Mississippi State Tax Commission, Part II, Alcoholic Beverage Control, Subpart I, Chapter 2

Specific Legal Authority Authorizing the promulgation of Rule: Mississippi Code Annotated Section 67-1-37(e) (Rev. 2005).
Date Rule Proposed: November 1, 2006

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Administrative Code, through clerical error in transferring the text, sections of the rule that were actually repealed on January 1, 1989 were incorrectly submitted as the current text.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 amendment to the rule corrects the mistake.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date: November 21, 2006
Time: 9:00 a.m.
Place: State of Mississippi Liquor Distribution Center, Coaches' Conference Room, 1286 Gluckstadt Road, Madison, Mississippi 39110.

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

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

Effective Date of Rule: January 11, 2007

Samuel T. Polk, III, Commission Secretary
December 11, 2006

SOS FORM APA 002
Effective Date 07/29/2005