NOTICE OF PROPOSED RULE ADOPTION

FILED
DEC 05 2008
MISSISSIPPI
SECRETARY OF STATE

STATE OF MISSISSIPPI
SECRETARY OF STATE
Business Regulation and Enforcement Division

Mississippi Secretary of State
Business Regulation and Enforcement
c/o Dave Scott
700 North Street
Jackson, MS 39205
601-359-9055
dscott@sos.state.ms.us

Specific Legal Authority authorizing the promulgation of Rule: S.B. 2006, Miss. Code Ann. Section 91-17-71, *et seq.* (2008)
Reference to Rules repealed, amended or suspended by the Proposed Rule: Mississippi Scrap Metal Property Dealer Registration Act Emergency Rules, enacted 08/08/08, amended 12/05/08, extended 12/05/08

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: These Rules are adopted by the Secretary of State by the authority granted him in Miss. Code Ann. Section 97-17-71 (2008), hereinafter referred to as the Mississippi Scrap Metal Property Dealer Registration Act ("Act"). The Rules reflect the Secretary of State's efforts to assist Scrap Metal Dealers in meeting the requirements of the Act; they are necessary and appropriate for the public interest and are consistent with the purposes fairly intended by the policy and provisions of the Act. These Rules are intended to supplement and provide guidance under the statutory provisions of the Act and should not be considered as replacing or superseding any provision concerning filings, registrations, applications, penalties, or any other requirements contained therein.

This rule is proposed as a ☐ Final Rule, and/or a ☒ Temporary Rule (Check one or both boxers 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 Date: {Insert Date} Time: {Insert Time}
Place: {Insert Place}

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 _____ 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: December 5, 2008 **Proposed Effective Date of Rule:** December 5, 2008

Paul Scott, Ass't Sec. of State
Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 001
Effective Date 07/29/2005