16511

NOTICE OF RULE ADOPTION—TEMPORARY RULE

FILED
OCT 05 2009
MISSISSIPPI
SECRETARY OF STATE

STATE OF MISSISSIPPI
SECRETARY OF STATE
Regulation and Enforcement Division

Mississippi Secretary of State
Regulation and Enforcement
c/o Dave Scott
700 North Street
Jackson, MS 39205
601-359-9055
dave.scott@sos.ms.gov

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Reference to Rules repealed, amended or suspended by the Temporary Rule: Mississippi Scrap Metal Property Dealer Registration Act Emergency Rules, enacted 08/08/08, amended 12/05/08, extended 12/05/08, amended 03/05/09, extended 07/07/09, amended 10/05/09.

Date Rule Proposed: October 5, 2009

Explanation of the Purpose of the Temporary Rule and the reason(s) for 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.

The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary 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: {Insert Date}
Time: {Insert Time}
Place: {Insert Place}

☒ An oral proceeding was not held on this rule.

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

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

☐ This rule as adopted differs from the proposed temporary 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 temporary 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 Temporary Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: October 5, 2009

Dave Scott

Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 003
Effective Date 07/29/2005