

**Mississippi Secretary of State**  
700 North Street P. O. Box 136, Jackson, MS 39205-0136

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Dept. of Agriculture and Commerce		CONTACT PERSON John Campbell	TELEPHONE NUMBER 662-325-7760	
ADDRESS P.O. Box 5207		CITY Mississippi State	STATE MS	ZIP 39762
EMAIL johnca@mdac.ms.gov	SUBMIT DATE 10-12-12	Name or number of rule(s): Non-native Plant Species		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The rule requires a permit before planting a non-native plant species for fuel production or purposes other than agriculture.

Specific legal authority authorizing the promulgation of rule: Miss. Code of 1972, §69-25-10

List all rules repealed, amended, or suspended by the proposed rule: N/A

**ORAL PROCEEDING:**

An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

Economic impact statement not required for this rule.  Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: <input checked="" type="checkbox"/> New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Andy Prosser, Deputy Commissioner

Signature of person authorized to file rules: \_\_\_\_\_

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by _____	Accepted for filing by _____	Accepted for filing by _____

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



DELBERT HOSEMANN  
*Secretary of State*

**CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT**

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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ADDRESS P.O. Box 5207	CITY Mississippi State	STATE MS	ZIP 39762
EMAIL johnca@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Non-Native Plant Species		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code of 1972, §69-25-10	Reference to Rules repealed, amended or suspended by the Proposed Rule: None		

**A. Estimated Costs and Benefits**

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

The proposed rule will decrease the likelihood of an invasive species being introduced into Mississippi. Therefore, it will benefit the entire agricultural community.

2. Briefly describe the need for the proposed rule:

The rule is needed to reduce the risk of an invasive plant species being introduced into Mississippi.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

This rule will have a positive effect on public health and welfare by reducing the risk of an invasive plant species being introduced into Mississippi.

4. Estimated Cost of implementing proposed action:

- a. To the agency  
 Nothing  Minimal  Moderate  Substantial  Excessive
- b. To other state or local government entities  
 Nothing  Minimal  Moderate  Substantial  Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:  
 Nothing  Minimal  Moderate  Substantial  Excessive
- d. Economic Benefit:  
 Nothing  Minimal  Moderate  Substantial  Excessive

6. Estimated impact on small businesses:

- Nothing  Minimal  Moderate  Substantial  Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: 15
  - b. Projected costs for small businesses to comply: \$50.00 - \$1,000.00 depending on number of acres planted
  - c. Statement of probable effect on impacted small businesses: Businesses must apply for a permit with the Mississippi Department of Agriculture and Commerce and obtain a surety bond from a licensed insurance provider.
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- substantially less than  moderately less than  minimally less than
  - the same as  minimally more than  moderately more than
  - substantially more than  excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
- substantially less than  moderately less than  minimally less than
  - the same as  minimally more than  moderately more than
  - substantially more than  excessively more than

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**B. Reasonable Alternative Methods**

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- 1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?  
 yes  no
- 2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

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**C. Data and Methodology**

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- 1. Please briefly describe the data and methodology you used in making the estimates required by this form. The proposed rule was presented to stakeholders in order to estimate how many companies would be engaged in this type of work. The estimated cost to small businesses was determined by talking to insurance providers and taking into account the typical cost of a surety bond.

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**D. Public Notice**

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- 1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? A board meeting will be held at 121 North Jefferson Street, Jackson, MS 39215, on a later date. The date of the meeting will be posted according to state law. Any comments submitted will be addressed at the board meeting.

SIGNATURE 	TITLE Deputy Commissioner
DATE October 12, 2012	PROPOSED EFFECTIVE DATE OF RULE December 6, 2012