

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

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Agriculture & Commerce		CONTACT PERSON Dr. Richard Benton, DVM		TELEPHONE NUMBER (601)359-1191	
ADDRESS P.O. Box 1609		CITY Jackson		STATE MS	ZIP 39215 -1609
EMAIL Richardb@mdac.ms.gov	SUBMIT DATE 1/14/2014	Name or number of rule(s): "Special Fees for inspection services provided by the Meat Inspection Division"			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The purpose of the rule is to establish a flat overtime fee for the use of state inspectors in meat plants after scheduled operating hours. The fee is calculated on inspector salary at time ½ plus benefits. The Department has a career ladder for inspectors; so, the overtime fee can vary from \$25-\$31/hour depending on who the inspector is that day. The change to a flat fee of \$28 will make the process of billing more efficient. Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 75-33-33 (Rev. 2009).*

List all rules repealed, amended, or suspended by the proposed rule: New Rule Subpart 4, Ch. 07, Subch.1, Section 111, "Special fees for inspection services provided by the Meat Inspection Division."

ORAL PROCEEDING:

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

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

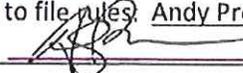
If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) 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. X Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: January 14, 2014 <input checked="" type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

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

Signature of person authorized to file rules: 

<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div> <p>Accepted for filing by</p>	<p>DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; padding: 10px;">  </div> <p>Accepted for filing by  #20250</p>	<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 150px; width: 100%;"></div> <p>Accepted for filing by</p>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
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.

AGENCY NAME Mississippi Department of Agriculture & Commerce	CONTACT PERSON Dr. Richard Benton, DVM	TELEPHONE NUMBER (601) 359-1191
ADDRESS P.O. Box 1609	CITY Jackson	STATE MS
EMAIL richardb@mdac.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Special fees for inspection services provided by the Meat Inspection Division	
Specific Legal Authority Authorizing the promulgation of Rule: <i>Miss. Code Ann. 75-33-33</i>	Reference to Rules repealed, amended or suspended by the Proposed Rule: New Rule Subpart 4, Ch.07, Subch. 1, Section 111	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:
The department will recoup overtime costs in a more efficient manner than is presently provided for. It will eliminate the Department inspector on duty having to call and use time of accounting employees to calculate the amount of overtime fees to be charged.
2. Briefly describe the need for the proposed rule:
The plant inspector must call dept. accounting to have them figure the inspector's salary based on time plus benefits. This takes valuable time of these employees. A flat fee will eliminate the need for other staff time being utilized to calculate overtime costs for a plant.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
The proposed action will have an indirect effect on the public health by ensuring that slaughtering of animals conducted after working hours is inspected in accordance with the law.
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: Four
- b. Projected costs for small businesses to comply: If the business chooses to operate in overtime the cost per inspector may increase \$3.00 per hour or decrease \$3.00 per hour depending on the longevity of the inspector who is performing the overtime services.
- c. Statement of probable effect on impacted small businesses:

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

B. Reasonable Alternative Methods

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.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Compared the career level salaries of possible inspectors performing overtime services to the proposed flat fee. Compared fees charged by surrounding states for overtime.

D. Public Notice

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? Comments should be submitted to the Mississippi Department of Agriculture & Commerce, Attn: Dr. Richard Benton, DVM, P.O. Box 1609, Jackson, MS 39215-1609.

SIGNATURE	TITLE
	Andy Prosser, Deputy Commissioner
DATE	PROPOSED EFFECTIVE DATE OF RULE
January 14, 2014	March 14, 2014