DELBERT HOSEMANN
Secretary of State

ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A PDF document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.

AGENCY NAME	CONTACT PERSON		TELEPHONE NUMBER
MS Department of Agriculture & Commerce	Julie McLemore		601-359-1111
ADDRESS	CITY	STATE	ZIP
121 N. Jefferson St.	Jackson	MS	39201
EMAIL	DESCRIPTIVE TITLE OF PROPOSED RULE		
Julie@mdac.ms.gov	Title 2 , Part 1 MDAC Rules, Subpart 4 , Chapter 9, Section117, "Administrative Actions"		

Specific Legal Authority Authorizing the promulgation of Rule:	Reference to Rules repealed, amended or suspended by the Proposed Rule:
Miss. Code Ann. 75-27-19	N/A

SIGNATURE	TITLE
	Deputy Commissioner of MDAC
DATE	PROPOSED EFFECTIVE DATE OF RULE
June 3, 2016	July 30, 2016

1. Describe the need for the proposed action: There is not a procedure for businesses to follow to appeal administrative penalties under the Weights and Measures Law.
2. Describe the benefits which will likely accrue as the result of the proposed action: Businesses will be able to follow a specific procedure to address their disagreement with the agency in an administrative action under the Weights and Measures Law.
3. Describe the effect the proposed action will have on the public health, safety, and welfare: The regulation will provide procedures to address agency actions that are taken to protect the consumer.
4. Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues: The agency will take on minimal extra paperwork in the vein maintaining a docket for actions taken. If a business chooses to have an administrative hearing, then the agency will incur costs to put that on, including a court reporter, which is estimated at $250 for the appearance fee.
5. Estimate the cost or economic benefit to all persons directly affected by the proposed action: $0.00
6. Provide an analysis of the impact of the proposed rule on small business:
    a. Identify and estimate the number of small businesses subject to the proposed regulation: all businesses that have weighing or measuring devices for commercial use

b. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record: No reporting or recordkeeping costs.
c. State the probable effect on impacted small businesses: They will have the ability to request review of actions and will have notice of how the actions will be conducted.
d. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:
    i. The establishment of less stringent compliance or reporting requirements for small businesses;N/A
    ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses; N/A
    iii. The consolidation or simplification of compliance or reporting requirements for small businesses; N/A
    iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and
    v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations: N/A

7. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule: The Cost of the rule is minimal compared to not implementing the rule and having a court dismiss an agency action for failure to have a procedure in place.
8. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law: There are no less costly methods to the Department's knowledge.
9. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency: None available.
10. State reasons for rejecting alternative methods that were described in #9 above:
11. Provide a detailed statement of the data and methodology used in making estimates required by this subsection: the costs were based on court reporter fees in other actions.