
TITLE 905 ALCOHOL AND TOBACCO COMMISSION

**Administrative Rules Oversight Committee Notice
60 Day Requirement ([IC 4-22-2-19](#))
LSA Document #09-472**

June 15, 2009

Senator R. Michael Young, Chairperson
Administrative Rules Oversight Committee
Attn: Sarah Burkman
Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204

Re: Notification of noncompliance with 60-day requirement

Dear Senator Young:

Pursuant to [IC 4-22-2-19](#)(c), please consider this letter notification of the Alcohol & Tobacco Commission's (ATC) noncompliance with the 60-day provision of the [IC 4-22-2-19](#). The ATC published its Notice of Intent to Adopt a Rule for LSA Document #08-523 on June 25, 2008 (DIN: [20080625-IR-905080523NIA](#)). The public hearing was held on May 26, 2009. After the public hearing was conducted, it was discovered the Notice of Public Hearing published in the Indianapolis Star on April 29, 2009, was defective. A Change in Notice of Public Hearing must be filed with the Legislative Services Agency. A public hearing must be conducted at least twenty-one days after the posting of the Notice of Public Hearing. For that reason, the ATC shall not be able to have the Final Rule to the Governor for signature under the time restraints required under [IC 4-22-2-25](#)(a).

The ATC shall withdraw LSA Document #08-523 pursuant to [IC 4-22-2-41](#). The ATC shall initiate another rulemaking action immediately.

Please contact me if you have any questions regarding the notification or if you require any additional information at (317) 234-4737 or mcoxey@atc.in.gov.

Sincerely,

Melissa L. Coxey
Staff Attorney, Alcohol & Tobacco Commission

Posted: 06/17/2009 by Legislative Services Agency
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