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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

LSA Document #03-96

December 31, 2003

Chairman
c/o George Angelone
Administrative Rules Oversight Committee
302 Statehouse
Indianapolis, Indiana 46204

RE: 905 IAC 1-35.1

Dear Mr. Chairman:

On behalf of the Alcohol & Tobacco Commission (ATC), this letter is to notify the Administrative Rules Oversight Committee of changes in progress to the above rule, which establishes procedures governing the issuance of annual race track permits in accordance with IC 7.1-3-6-16 and IC 7.1-3-14-6. Under Ind. Code 4-22-2-25, an agency that adopts a rule must complete the process within one (1) year after the publication of the notice of intent to adopt the rule change. Pursuant to this statute, the ATC is requesting up to an additional one (1) year from May 1, 2004 in order to have the rule adopted and effective. A request of this kind must be made within two hundred fifty (250) days following the publication of the notice of intent to adopt the rule change. Our records show that the deadline for this notice expires on or about January 15, 2004.

The notice of intent for this rule was published in the May 1, 2003 issue of the Indiana Register at 26 IR 2651. Due to issues regarding timing of publication of the rule prior to the hearing date, the rule was recalled and is being reheard on January 26, 2004. Due to the permissible statutory approval process, the possibility exists that the rule would not be approved or effective before the May 1, 2004 deadline. We believe that the additional year will give adequate time to complete this process, although all efforts will be made to do so sooner.

Please let me know if further information on this rule is needed. I can be reached directly at (317) 232-2472 or via email at mwebb@atc.state.in.us. Thank you very much for your kind attention in this regard.

Very truly yours,
Mark C. Webb
Executive Secretary