

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

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Department of Revenue		CONTACT PERSON Sam Portera, CPA	TELEPHONE NUMBER 601-923-7317	
ADDRESS PO Box 1033		CITY Jackson	STATE MS	ZIP 39215
EMAIL sam.portera@dor.ms.gov	SUBMIT DATE 8/26/19	Name or number of rule(s): Title 35, Part III, Subpart 2, Chapter 06 Dividend Income		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This rule was amended to remove old paragraph 102 as it is sufficiently addressed in paragraph 100. The last sentence in new paragraph 104 was deleted as the taxability of dividends issued by holding companies is addressed in new 105. New paragraph 107 was amended to include additional information concerning dividends paid after stock is sold. A sentence concerning the inclusion of an anticipated dividend in the stock purchase price was moved to new paragraph 108. A definition of stock dividend was added to old 109 while the sentences concerning common/preferred stock ownership and stock dividends are addressed in new paragraph 110. The language concerning a federal court order was removed as no statutory basis could be found. New paragraph 110 lists exceptions to the tax-free treatment of stock dividends. Other minor changes were made.

Specific legal authority authorizing the promulgation of rule: Pursuant to Miss. Code Ann. Sections 27-7-81 and 27-7-343, the Commissioner of Revenue is authorized to, "from time to time make such rules and regulations, not inconsistent with [the Income Tax Law of 1952], as he may deem necessary to enforce its provisions."

List all rules repealed, amended, or suspended by the proposed rule: Miss. Admin Code Title 35.III.2.06 Dividend Income.

**ORAL PROCEEDING:**

An oral proceeding is scheduled for this rule on Date: 9/25/19 Time: 1:30 p.m. Place: Mississippi Department of Revenue, 500 Clinton Center Drive, Clinton, MS 39056

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): _____	<b>Action proposed:</b> _____ New rule(s) <u> X </u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference <b>Proposed final effective date:</b> <u> X </u> 30 days after filing _____ Other (specify): _____	<b>Date Proposed Rule Filed:</b> <b>Action taken:</b> _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed <b>Effective date:</b> _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Sam Portera, CPA, Deputy Office Director, Tax Policy

Signature of person authorized to file rules: *Sam Portera* Sam Portera

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
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