RULES
OF THE
MISSISSIPPI LIVESTOCK SHOW

P.O. Box 1609
Jackson, MS 39215-1609
601-359-1100

SUBPART 1 ORGANIZATION OF THE MISSISSIPPI LIVESTOCK SHOW

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SUBPART 1-ORGANIZATION OF THE MISSISSIPPI LIVESTOCK SHOW

Purpose of this Subpart

100 In accordance with Section 25-43-2.104 of the Mississippi Administrative Procedures Law, this subpart describes the Mississippi Livestock Show's duties and responsibilities, the organization of the Livestock Show, and its methods of operation.
(Adopted August 17, 2009.)

Mississippi Livestock Show Directors

101 Pursuant to *Miss. Code Ann.* Section 69-5-101, the Mississippi Livestock Show is under the management and control of the Commissioner of Agriculture and Commerce, the Director of the Mississippi State University Extension Service, and the president of the Mississippi Livestock Council, who all are designated as directors and serve without compensation.
(Adopted August 17, 2009.)

Mississippi Livestock Show Districts

102 The Mississippi Livestock Show was created to encourage and promote the raising of livestock and dairy stock in the state. The State of Mississippi is divided into five (5) livestock show districts: the Northwest District; the North Delta District; the Northeast District; the Southwest District; and the Southeast District. Pursuant to *Miss. Code Ann.* Sections 69-5-105 and 107, the district livestock shows and the fall dairy shows are under the supervision of the directors and subject to the rules and regulations promulgated by the directors.
(Adopted August 17, 2009.)

Contacting the Mississippi Livestock Show

103 Mississippi Livestock Show may be contacted in person, by United States Mail, Courier mail, e-mail, telephone and facsimile.

1. The location of the Mississippi Livestock Show is at 121 North Jefferson Street, Jackson, Mississippi 39201. The mailing address for the Mississippi Livestock Show is c/o MDAC, Post Office Box 1609, Jackson, Mississippi 39215.
2. Courier mail should be delivered to 121 North Jefferson Street, Jackson, Mississippi 39201.
3. The Mississippi Livestock Show telephone and facsimile numbers are (601)359-1100 (telephone number) and (601)354-6290 (facsimile number).

(Adopted August 17, 2009.)

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OF THE
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SUBPART 2—ADMINISTRATIVE RULES
CHAPTER 01—Public Records Request Procedure

Scope

100 The following regulation is hereby adopted by the Mississippi Livestock Show ("Livestock Show") as provided by Section 3 of the Mississippi Public Records Act of 1983 ("Act"), for the orderly implementation of said law.

(Adopted August 17, 2009.)

Schedule of Fees

101 Personnel. Staff time shall be charged as follows: $10.00 per hour per person for clerical time and $20.00 per hour per person for supervisory or professional time for searching, reviewing and/or duplicating public records. Any part of an hour spent in such activities shall be prorated to the nearest half hour.

102 Copies. $.50 per page for each copy. Copies of pages printed on both sides (front and back) shall be considered two pages for copy charge purposes.

103 Packing fee. A $5.00 packing and handling fee shall be charged on all requests for copies of public records to be shipped or mailed.

104 Mailing fee. The cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records.

105 Payment of fees. Requestor shall deposit a certified check, money order or cash in escrow with the Livestock Show for the estimated costs of answering this request. However, if actual costs exceed the estimated costs, the additional costs shall be paid by the person requesting such records prior to the release of the records.

(Adopted August 17, 2009.)

Requests

106 General. No person requesting public records shall be permitted to review Livestock Show files, however, copies of all records requested; within limitations imposed by the Act and this regulation, will be furnished such person.

107 Where to Send Requests. All requests must be mailed, delivered or transmitted via facsimile to the Livestock Show. Oral and telephone requests and e-mail requests will not be accepted.

108 Written Request Required. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Livestock Show. All requests must include a specific description, identity and name of the records requested.

109 Name, Address and Signature of Requestor. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request.

110 Department Response. All records or information in the possession of the Department not specifically exempt as a public record by the Act, or this Regulation, shall be made available upon written request within fourteen (14) working days from the date of receipt of said request.

(Adopted August 17, 2009.)

Availability of Records

111 The availability of all records in the possession of the Livestock Show shall be subject to the following limitations:

1. Any public record specifically declared to be confidential, privileged or exempt by the Act, or any constitutional or statutory law or decision of a court of this state or the United States shall be exempt from the provisions of the Act.
2. Any records furnished to the Livestock Show which contains trade secrets or confidential commercial or financial information shall not be subject to inspection, examination, copying or reproduction until forty-five (45) days following written notice from the Livestock Show to the person or entity furnishing such records advising that a request has been received for copies of such documents. The notice shall contain a listing of specific documents requested and the name and address of the person requesting such documents or records. Notices shall be mailed certified mail return receipt requested. At the end of the forty-five (45) day notice period, copies of all records listed in said notice shall be released to the person requesting such records unless the person or entity furnishing such records shall have obtained a court order protecting such records as confidential and exempting such records from the provisions of the Act.
3. Personnel records and applications for employment or respecting admission to any educational agency or institution in the possession of the Livestock Show, except those which may be released to the person who made the application or released upon the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.
4. Test questions and answers in the possession of the Livestock Show shall be exempt from the provisions of the Act.

5. Records which represent and constitute the work product of any attorney, district attorney or county prosecuting attorney representing the Livestock Show and which are related to litigation made by or against the Livestock Show or in anticipation of prospective litigation, including all communications between such attorney made in the course of an attorney-client relationship shall be exempt from the provisions of the Act.
6. Records in possession of the Livestock Show, which would disclose information about a person's or entity's, tax payment or status, shall be exempt from the provisions of the Act.
7. Information or records in the possession of the Livestock Show which concerns the sale or purchase of real or personal property for public purposes shall be exempt from the provisions of the Act, prior to public announcement of the purchase or sale, where the release of such records could possibly have a detrimental effect on such sale or purchase.
8. Records in the possession of the Livestock Show which are not otherwise protected by law, that (a) are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, disclosure of which would harm such investigation; (b) would reveal the identify or informants; (c) would prematurely release information that would impede the Livestock Show's enforcement, investigation or detection efforts in such proceedings; (d) would disclose investigatory techniques; (e) would deprive a person of a right to a fair trial or impartial adjudication; (f) would endanger the life or safety of any Board member or personnel; (g) are matters pertaining to quality control or PEER review activities, shall be exempt from the Act.
9. Applications for licensure or test questions that are to be used in future license examinations in the possession of the Livestock Show, except that which may be released to the person who made the application or with the prior written consent of the person who made the application, shall be exempt from the provisions of the Act.
10. Commercial and financial information or records of a proprietary nature required to be submitted to the Livestock Show by a firm, business, partnership, association, corporation, individual or other like entity, shall be exempt from the provisions of the Act.
11. Records in the possession of the Livestock Show as defined by Section 2(b) of the Act, which are not otherwise protected by law, that are compiled by reason of inspection or investigation of specific facilities, organizations, or devices pursuant to any law requiring such inspections or investigations to determine, insure, or enforce compliance with such law, shall be exempt from the provisions of the Act.

(Adopted August 17, 2009.)

Effective Date

111 This Regulation shall be in force and effect from and after July 1, 1983.
(Adopted August 17, 2009.)

RULES
FOR ORAL PROCEEDINGS ON RULE-MAKING
OF THE MISSISSIPPI LIVESTOCK SHOW

P.O. Box 1609
Jackson, MS 39215-1609
601-359-1100

SUBPART 2—ADMINISTRATIVE RULES
CHAPTER 02--Procedure for Oral Proceedings on Rule-Making

Scope

100 Rules 100-112 are promulgated pursuant to *Mississippi Code Ann.* §25-43-3.104(2)(d) of the Administrative Procedures Law, and apply to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Mississippi Livestock Show pursuant to §25-43-3.104.
(Adopted August 17, 2009.)

When Oral Proceedings will be Scheduled on Proposed Rules

101 The Mississippi Livestock Show will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.
(Adopted August 17, 2009.)

Request Format

102 Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Mississippi Livestock Show and signed by the requestor(s).
(Adopted August 17, 2009.)

Notification of Oral Proceeding

103 The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.
(Adopted August 17, 2009.)

Presiding Officer

104 The Chairman or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

(Adopted august 17, 2009.)

Public Presentations and Participation

105 At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
(Adopted August 17, 2009.)

106 Persons wishing to make oral presentations at such a proceeding shall notify the Mississippi Livestock Show at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Mississippi Livestock Show.
(Adopted August 17, 2009.)

107 At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
(Adopted August 17, 2009.)

108 The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
(Adopted August 17, 2009.)

109 Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.
(Adopted August 17, 2009.)

110 There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.
(Adopted August 17, 2009.)

Conduct of Oral Proceeding

111 Presiding officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (a) call the proceeding to order; (b) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Mississippi Livestock Show for the proposed rule; (c) call on those individuals who have contacted the Mississippi Livestock Show about speaking on or against the proposed rule; (d) allow for rebuttal statements following all participants' comments; (e) adjourn the proceeding.
(Adopted August 17, 2009.)

112 Questions. The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

(Adopted August 17, 2009.)

RULES
FOR PROCEDURE FOR ISSUING DECLARATORY OPINIONS OF THE MISSISSIPPI LIVESTOCK SHOW

P.O. Box 1609
Jackson, MS 39215-1609
601-359-1100

SUBPART 2--ADMINISTRATIVE RULES
CHAPTER 03- Procedure for Issuing Declaratory Opinions

Scope of Rules

100 This chapter sets forth the Mississippi Livestock Show, hereinafter "Livestock Show," rules governing the form and content of requests for declaratory opinions, and the Livestock Show's procedures regarding the requests, as required by *Mississippi Code Ann.* § 25-43-2.103. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.
(Adopted August 17, 2009.)

Persons Who May Request Declaratory Opinions

101 Any person with a substantial interest in the subject matter may request a declaratory opinion from the Livestock Show by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group or other entity that is directly affected by the Livestock Show's administration of the laws within its primary jurisdiction. "Primary jurisdiction of the Livestock Show" means the Livestock Show has a constitutional or statutory grant of authority in the subject matter at issue.
(Adopted August 17, 2009.)

Subjects That May Be Addressed In Declaratory Opinions

102 The Livestock Show will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforceable by the Livestock Show or (2) a rule promulgated by the Livestock Show. The Livestock Show will not issue a declaratory opinion regarding a statute or rule that is outside the primary jurisdiction of the Livestock Show.
(Adopted August 17, 2009.)

Circumstances In which Declaratory Opinions Will Not Be Issued

103 The Livestock Show may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. lack of clarity concerning the question presented;
2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
4. the facts presented in the request are not sufficient to answer the question presented;
5. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
6. the request seeks to resolve issues that have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;
7. no controversy exists concerning the issue, as the requestor is not faced with existing facts or those certain to arise that raise a question concerning the application of the statute or rule;
8. the question presented by the request concerns the legal validity of a statute or rule;
9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
10. no clear answer is determinable;
11. the question presented by the request involves the application of a criminal statute or a set of facts that may constitute a crime;
12. the answer to the question presented would require the disclosure of information that is privileged or otherwise protected by law from disclosure;
13. the question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's opinion;
14. a similar request is pending before this Livestock Show or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;
15. where issuance of a declaratory opinion may adversely affect the interests of the State, the Livestock Show or any of their officers or employees in any litigation, which is pending or may reasonably be expected to arise;
16. the question involves eligibility for a license, permit, certificate or other approval by the Livestock Show or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

(Adopted August 17, 2009.)

Written Request Required

104 Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Livestock Show.
(Adopted August 17, 2009.)

Where to Send Requests

105 All requests must be mailed, delivered or transmitted via facsimile to the Livestock Show. The request shall clearly state that it is a request for a declaratory opinion. Oral and telephone requests and email requests will not be accepted for official opinions.
(Adopted August 17, 2009.)

Name, Address and Signature of Requestor

106 Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.
(Adopted August 17, 2009.)

Question Presented

107 Each request shall contain the following:

1. a clear and concise statement of all facts on which the opinion is requested;
2. a citation to the statute or rule at issue;
3. the question(s) sought to be answered in the opinion, stated clearly;
4. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;
5. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and
6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

(Adopted August 17, 2009.)

Time for Livestock Show's Response.

108 Within forty-five (45) days after the receipt of a request for a declaratory opinion that complies with the requirements of these rules, the Livestock Show shall, in writing:

1. issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;
2. decline to issue a declaratory opinion, stating the reasons for its action; or
3. agree to issue a declaratory opinion by a specified time but not later than ninety (90)

days after receipt of the written request.

109 The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received by the Livestock Show, whichever is sooner.

(Adopted August 17, 2009.)

Opinion Not Final for Sixty Days

110 A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Livestock Show may, in its discretion, withdraw or amend the declaratory opinion for any reason that is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

(Adopted August 17, 2009.)

Notice by Livestock Show to Third Parties

111 The Livestock Show may give notice to any person, agency or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from other persons, agencies or other entities other than the requestor.

(Adopted August 17, 2009.)

Public Availability of Requests and Declaratory Opinions

112 Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Livestock Show's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests that contain information that is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

(Adopted August 17, 2009.)

Effect of a Declaratory Opinion

113 The Livestock Show will not pursue any civil or criminal or administrative action against a person who is issued a declaratory opinion from the Livestock Show and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Livestock Show shall be binding only on the Livestock Show and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

(Adopted August 17, 2009.)

RULES
OF THE
MISSISSIPPI LIVESTOCK SHOW

P.O. Box 1609
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SUBPART 3—REGULATIONS
CHAPTER 01—Mississippi Livestock Show

Adoption of Regulations

100 Regulations for the Livestock Show shall be the same as the rules and regulations found in the Mississippi State Fair Premium Book and the Dixie National/Junior Round-up Premium Book unless otherwise noted in subsequent regulations.

(Adopted August 17, 2009.)