

Subpart 2-Administrative Rules
Chapter 02- Procedure for Oral Proceedings on Rule-Making

Scope

100 Rules 100-112 are promulgated pursuant to *Miss. 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 Department pursuant to §25-43-3.104.
(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

When Oral Proceedings Will Be Scheduled on Proposed Rules

101 The Department 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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 Department and signed by the requestor(s).
(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

Presiding Officer

104 The Commissioner or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.
(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

106 Persons wishing to make oral presentations at such a proceeding shall notify the Department 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 Department.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

109 Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 Department for the proposed rule; (c) call on those individuals who have contacted the Department about speaking on or against the proposed rule; (d) allow for rebuttal statements following all participants' comments; (e) adjourn the proceeding.

(Adopted June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.104 (Rev. 2006).

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 June 21, 2005.)

Source: *Miss. Code Ann.* §25-43-2.105 (Rev. 2006).