

## **21 NCAC 14B .0307 CONTROL OF HEARINGS**

- (a) Purpose. The purpose of this Rule is to provide uniform procedures for the conduct of public comment hearings.
- (b) The presiding officer at the hearings shall have control of the proceedings including the following:
- (1) extension of any time requirements,
  - (2) recognition of speakers,
  - (3) time allotment for presentations, and
  - (4) direction of the flow of discussion and the management of the hearing.
- (c) The presiding officer at all times shall take care that each person participating in the hearing is given an opportunity to present views, data and comments.
- (d) Public comment hearings shall be open to the public, and members of the public shall be entitled to testify, subject to the provisions of this Rule.
- (e) Public comment hearing shall be open to print and electronic media, subject to the following limitations by the board, or the person designated by the board to preside over the hearing, when such pooling are necessary to allow the hearing to go forward:
- (1) Pooling of the number of media representatives when their number and equipment together with the number of members of the public present exceeds the capacity of the hearing room;
  - (2) Limitation on the placement of cameras to specific locations within the hearing room; or
  - (3) Prohibition of interviews conducted within the hearing room during the hearing.
- (f) Public comment hearings shall be presided over by the board or an individual knowledgeable in the subject area of the proposed rules who has been designated by the chairman to preside over the hearing.
- (g) The person presiding over the hearing shall:
- (1) Call the hearing to order;
  - (2) Identify the proposed rules which are the subject matter of the hearing, and provide copies of them upon request;
  - (3) Cause a recording of the hearing to be made;
  - (4) Establish speaker time limits;
  - (5) Recognize those who wish to be heard;
  - (6) If necessary, refuse to recognize people for speaking, or revoke recognition of speakers;
  - (7) If necessary, limit the activity of the media;
  - (8) If necessary, continue or move the hearing; and
  - (9) Adjourn or continue the hearing.
- (h) The hearing shall be continued when:
- (1) The weather is so inclement that it is reasonable to conclude that people wishing to attend the hearing are unable to do so;
  - (2) The chairman or the individual designated by the chairman to preside over the hearing is ill or unavoidably absent; or
  - (3) Continuing the hearing will facilitate greater participation by the public.
- (i) The hearing may be moved to another location when the original location is not able to accommodate the number of people who wish to attend the hearing.
- (j) The hearing shall be continued past the scheduled time or to another date when:
- (1) The time available is not sufficient to give each person who wishes to speak a reasonable opportunity to do so; or
  - (2) The capacity of the room in which the hearing is to be held does not accommodate the number of people who wish to attend the hearing and it is not possible to move the hearing to another location.
- (k) People who wish to speak about the rules which are the subject matter of the hearing shall be asked to write on the speaker's list their full names and if they represent other persons, the identity of the persons represented.
- (l) People who wish to speak shall be asked to provide the information called for by Paragraph (k) of this Rule no later than before the last speaker on the list has finished speaking.
- (m) People whose names appear on the speaker's list shall be afforded an opportunity to speak at the hearing within the limits on public participation.
- (n) Written comments must be submitted by the deadline listed in the rule making notice.
- (o) The person presiding over the hearing shall:
- (1) Refuse to recognize for speaking or revoke the recognition of any person who:
    - (A) Speaks or acts in an abusive or disruptive manner; or

- (B) Refuses to keep comments relevant to the proposed rules which are the subject matter of the hearing;
- (2) Limit the duration of the hearing and limit the amount of time each speaker may speak to a time which allocates approximately equal speaking time to each person shown on the speaker's list as wishing to speak; and
- (3) Limit presentations on behalf of the same organization or entity to no more than three, provided that all those representing such organization or entity may enter their names and addresses into the record as supporting the position of the organization or entity.

*History Note: Authority G.S. 88B-4; 143-318.4; 150B 21.2;  
Eff. February 1, 1976;  
Amended Eff. April 1, 2012;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.*