

PROCEDURAL RULE 25 Rulemaking Oral Proceedings

Scope

- 101 This rule applies 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 Commission pursuant to the Administrative Procedures Law.

When an Oral Proceeding will be Scheduled on a Proposed Rule

- 102 Where an oral proceeding has not previously been held or scheduled, the Commission 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.

Format of Request

- 103.01 Each request must be typewritten. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches).
- 103.02 The request may be in the form of a letter addressed to the Commission or as a pleading filed with a court.
- 103.03 Each request must include the full name, telephone number, and mailing address of the requestor(s).
- 103.04 All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

Notification of Oral Proceeding

- 104 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.

Presiding Officer

- 105 The Commission or designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Public Presentations and Participation

- 106.00 Public participation shall be permitted at oral proceedings in accordance

with the following sections.

- 106.01 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.
- 106.02 Persons wishing to make oral presentations at such a proceeding shall notify the Commission at least three business days 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 Commission.
- 106.03 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.
- 106.04 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.
- 106.05 Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials, however, may be submitted at the oral proceeding.
- 106.06 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.

Conduct of Oral Proceeding

Presiding Officer

- 107.01 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 (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Agency for the proposed rule; (ii) call on those individuals who have contacted the Agency about speaking on or against the proposed rule; (iii) allow for rebuttal statements following all participants' comments; (iv) adjourn the proceeding.

Questions

- 107.02 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 rulemaking proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

Physical and Documentary Submissions

- 107.03 Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Commission, part of the rulemaking record, and are subject to the Commission's public records request procedure.

Recording

- 107.04 The Commission may record oral proceedings by stenographic or electronic means.

Effective from and after April 15, 2009.