

657—28.5(17A) Public hearing proceedings.

28.5(1) *Applicability.* This rule applies only to those public hearings in which an opportunity to make oral presentations is authorized or required by Iowa Code section 17A.4(1)“b.”

28.5(2) *Scheduling and notice.* A public hearing on a proposed rule may be held in one or more locations and shall not be held earlier than 20 days after notice of its location and time is published in the IAB. That notice shall also identify the proposed rule by ARC number and citation to the IAB.

28.5(3) *Presiding officer.* The board, a member of the board, or another person designated by the board who will be familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule. If the board does not preside, the presiding officer shall prepare a memorandum for consideration by the board summarizing the contents of the presentations made at the oral proceeding unless the board determines that such a memorandum is unnecessary because the board will personally listen to or read the entire transcript of the oral proceeding.

28.5(4) *Conduct of hearing.* At a public hearing 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. Persons wishing to make oral presentations at such a proceeding are encouraged to notify the board at least one business day prior to the hearing and indicate the general subject of their presentations. At the hearing, 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. Hearings shall be open to the public and shall be recorded by stenographic or electronic means.

a. At the beginning of the public hearing, the presiding officer shall give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons for the board decision to propose the rule. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the hearing. 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.

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

c. To facilitate the exchange of information, the presiding officer may, where time permits, open the floor to questions or general discussion.

d. The presiding officer shall have the authority to take any reasonable action necessary for the orderly conduct of the meeting.

e. Physical and documentary submissions presented by participants in the hearing shall be submitted to the presiding officer. Such submissions become the property of the board.

f. The hearing may be continued by the presiding officer to a later time without notice other than by announcement at the hearing.

g. Participants in a public hearing shall not be required to take an oath or to submit to cross-examination. However, the presiding officer in a hearing 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.

h. The presiding officer in a hearing may permit rebuttal statements and request the filing of written statements subsequent to the adjournment of the oral presentations.

28.5(5) *Additional information.* In addition to receiving written comments and oral presentations on a proposed rule according to the provisions of this rule, the board may obtain information concerning a proposed rule through any other lawful means deemed appropriate under the circumstances.

28.5(6) *Accessibility.* The board shall schedule public hearings in rooms accessible to and functional for persons with physical disabilities. Persons who have special requirements should contact the board, telephone (515)281-5944, in advance to arrange access or other needed services.

[ARC 3641C, IAB 2/14/18, effective 3/21/18]