

## 12 NCAC 09A .0208 PUBLIC COMMENTS AT HEARINGS

For hearings in which public comments are allowed or required, the following rules apply:

- (1) The Chair may:
  - (a) authorize the designation of any agency employee to act as the hearing officer;
  - (b) set out the type of hearings that the designated employees are authorized to conduct;
  - (c) reference the rules of procedure for conducting public rulemaking hearings.
- (2) The Chair may set time limits on oral presentations.
  - (a) Unless the Chair specifies otherwise, oral presentations are limited to five minutes per person or requesting entity;
  - (b) The Chair may require that oral presentations be limited to representative spokespersons for those advocating or opposing agenda items;
  - (c) In making the above decisions, the Chair should consider:
    - (i) the length of the agenda and of the meeting;
    - (ii) the number of rules or agenda items subject to comment;
    - (iii) the complexity of the issues;
    - (iv) the public interest in a particular rule, report or agenda item;
    - (v) the number of people desiring to address the agency;
    - (vi) the variations in the speakers' arguments and level of agreement within their positions or relationships;
    - (vii) the nature of the comments in relation to the agency's scope of review; and
    - (viii) the amount of notice given to the agency, commission, or committee.
- (3) The Chair will set the date, time, and place of any public hearing.
  - (a) If no hearing end time is designated prior to the beginning of the meeting, the Chair may end the hearing once the purpose for that public hearing has been concluded, or
  - (b) If a hearing end time has been designated for a hearing in which comments will be accepted, the hearing officer will remain in the meeting until such end time is reached.
- (4) When a hearing officer is designated, the hearing officer will collect written and oral submission presented during the hearing and submit to the agency, commission or committee as appropriate following the close of the record.
- (5) Nothing in this Rule is meant to require the agency, commission, or committee to allow public comment when not required by statute.
- (6) For purposes of this Rule, Chair means the person designated as chairperson for the agency, commission or committee, holding the hearing. In the event the Chair is not present at the hearing, the Vice-Chair will preside, and if the Vice-Chair is also not present, then the hearing officer will preside, and either will act, for purposes of this rule and for the hearing, with the authority of the Chair.

*History Note:* Authority G.S. 17C-6;  
Eff. November 1, 2024.