Presiding Officer’s

Text for Conducting a Rulemaking Hearing

**Enter rulemaking caption**

**DELETE THIS BOX WHEN TEAM NO LONGER NEEDS THIS INFORMATION**

**137-001-0030**

**Conduct of Rulemaking Hearings**

(1) The hearing to consider a rule shall be conducted by and shall be under the control of the presiding officer. The presiding officer may be the chief administrative officer of the agency, a member of its governing body, or any other person designated by the agency.

(2) At the beginning of the hearing, any person wishing to be heard shall provide their name, address, and affiliation to the presiding officer. The presiding officer may also require that the person complete a form showing any other information the presiding officer deems appropriate. Additional persons may be heard at the discretion of the presiding officer.

(3) At the beginning of the hearing, the presiding officer must summarize, to the extent requested by any participant, the content of the notice given under ORS 183.335.

(4) Subject to the discretion of the presiding officer, the order of the presentation shall be:

(a) Statements of proponents;

(b) Statements of opponents; and

(c) Statements of other witnesses present and wishing to be heard.

(5) The presiding officer or any member of the agency may question any witness making a statement at the hearing. The presiding officer may permit other persons to question witnesses.

(6) There shall be no additional statement given by any witness unless requested or permitted by the presiding officer.

(7) The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses have had an opportunity to testify.

(8) The presiding officer shall, when practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. Any written exhibits shall be preserved by the agency pursuant to any applicable retention schedule for public records under ORS 192.001 et seq.

(9) The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious, or immaterial matter.

(10) The presiding officer shall make a record of the proceeding, by audio or video tape recording, stenographic reporting or minutes.

Stat. Auth.: ORS 183.341 & 183.390
Stats. Implemented: ORS 183.335(3) & 183.341
Hist.: 1AG 14, f. & ef. 10-22-75; 1AG 4-1979, f. & ef. 12-3-79; 1AG 1-1981, f. & ef. 11-17-81; JD 2-1986, f. & ef. 1-27-86; JD 1-1988, f. & cert. ef. 3-3-88; JD 5-1989, f. 10-6-89, cert. ef. 10-15-89; JD 7-1991, f. & cert. ef. 11-4-91; DOJ 10-2005, f. 10-31-05, cert. ef. 1-1-06; DOJ 10-2007, f. 10-15-07 cert. ef. 1-1-08

Introductions Presiding officer - name and title

 Other presenters - names and titles

Logistics Sign up sheet

* Every person who attends the meeting must sign in on the sign in sheet
* For anyone testifying, presenting comments by phone, they must identify themselves and hearing officer should sign that person in on the sign in sheet
* Those not wishing to make oral comments may submit hand written comments by completing the **Comment Sign-up/Comment Card.**

My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and I will be serving as the Department’s hearing officer. The purpose of this hearing is to take public comment on the proposed action to adopt/amend/repeal PROPOSED RULES by DEQ, concerning subject matter of the rules.

Describe:

* Location of restrooms
* No smoking
* Printed information about the rules available location in room.
* All cell phones should be muted

**OPTIONAL QUESTION PERIOD**: *Welcome to DEQ’s Information Session and Public Hearing for the proposed rules on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and I will be the hearing officer.*

*Before we begin the formal public hearing, we will have an informal question and answer session for the proposed rules. This is your chance to ask agency staff questions about the proposal. We will not answer questions during the hearing. The staff present are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. They will briefly explain the rules and will try to answer any questions.*

The **Proposed Rulemaking Announcement** provides a link to DEQ’s rulemaking website. If you want to receive future email notices about this or any other DEQ rulemaking you can sign up for the GovDelivery email notification service on the web page for this rulemaking. All documents related to this rulemaking, including the staff report that will be submitted to the EQC, will be posted on the web site for this rulemaking. We are trying to reduce paper usage and encourage people to use email for submitting comments and the DEQ website for reviewing documents.

All rulemaking documents are available on the web page for this rulemaking (post sign with link address).

Any person can submit comments about this rulemaking through DEQs online public comment web page for this rulemaking. (post sign with link address).

Those participating via phone that would like to provide testimony today, please let us know and provide your name, affiliation, and email address when commenting. You can also submit comments by email or in writing as indicated in the rulemaking **Announcement**. (I) (The hearing officer) will sign up on the sign in sheet for anyone who testifies by phone.

The agency will review issues raised during the public comment period, and the hearing officer’s report will contain responses. In addition to the opportunity to present oral comments at this hearing, anyone may submit written comments until 4 p,m. on date comment closes, which is the close of the public comment period. DEQ will not review or consider comments received after that time unless the agency decides to extend the comment period for everyone.

I will begin the hearing in about five minutes, giving you an opportunity to fill out your registration cards. Are there any questions about how the hearing will be conducted?

HEARING

(TURN ON RECORDER)

Pause, then begin

At this time I would like to begin the hearing. The hearing will be recorded to maintain a permanent record. Today is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the time is \_\_\_\_\_\_\_\_\_\_\_\_\_\_ a.m./p.m., and we are at LOCATION. My name is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. With me are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ with DEQ’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Program. I am the presiding officer for this hearing and as such I am taking comments on behalf of the Environmental Quality Commission.

If you haven’t done so, those wishing to provide testimony must sign in on the sign in sheet or if on the phone indicate that you would like to testify.

The purpose of this meeting is to take public comments on the proposed rules for the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Rulemaking** rule adoption. The job of presiding officer is to hear and acknowledge comments and not to defend the proposed rules. After the hearing, we will prepare , a written presiding officer’s report summarizing both written and verbal comments. That report will be available with the final Staff Report posted on our DEQ rulemaking website, which is listed in the **Proposed Rulemaking Announcement**. The deadline date to submit comments on the proposed rules is DATE of close of comment period, at 4 p.m.

You may also submit written comments until the comment period ends through the DEQ comment web page for this rulemaking. The web address for that page is posted: (place on sign-up table or in a visible place in the room).

After reviewing the comments, the Department may consider revisions to the proposed rules. The Department's final recommendation for rule adoption will be made at the EQC meeting scheduled for DATE, at LOCATION. The Commission will use its own discretion in deciding whether to adopt all, part or none of the proposed rules, postpone adoption, or hold additional public hearings.

I would like to begin taking comments. If anyone has prepared a written statement or other documents, it would help to summarize them orally and then introduce written material into the record. Written comments are given the same weight as oral comments.

(IF APPROPRIATE) - At this point, no witnesses have signed up to comment. If anyone arrives to comment within the next half hour, we will turn the tape recorder on. Otherwise the hearing will be adjourned. (AGAIN, IF APPROPRIATE) - It is now TIME. No one attended the hearing and no one provided comments – this hearing is adjourned.

(AT END)

Thank you for coming and providing us with your comments. The hearing is adjourned.
(RECORDER OFF)

**AFTER THE HEARING:**

Copy all information from sign in sheet to meeting attendance list excel template – on SharePoint.