

120-RICR-00-00-5

TITLE 120 – TREASURY DEPARTMENT

CHAPTER 00 – N/A

SUBCHAPTER 00 - N/A

PART 5 – Regulations for the Conduct of Public Hearings Regarding Proposed Rulemaking

5.1 Purpose

To establish a defined set of procedures for the Office of the General Treasurer for the conduct of Public Hearings regarding Proposed Rulemaking.

5.2 Authority

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws § 42-35-2(a)(4).

5.3 Definitions

- A. "Agency" means the State of Rhode Island Office of the General Treasurer, including the Employees' Retirement System of Rhode Island and all other departments within the Office of the General Treasurer.
- B. "Agency head" means the General Treasurer.
- C. "Member of the public" means any individual, firm, business, corporation, association, partnership, or other group or entity.
- D. "Presiding agency official" means the Agency employee conducting the Public Hearing.
- E. "Public hearing" means the convening of Members of the Public and Agency personnel for the purpose of obtaining public comment on a Proposed Rulemaking.
- F. "Proposed rulemaking" means a proposed new rule, proposed amendment to a rule, or proposed repeal of a rule as noticed pursuant to R.I. Gen. Laws § 42-35-2.7.
- G. "Rules Coordinator" means the individual designated by the Agency pursuant to R.I. Gen. Laws § 42-35-2.1 who shall have knowledge of the subjects of rules being proposed, maintain the records of any rules action including the rule-making file, and respond to public inquiries about proposed rules and the identity

of the agency personnel working, reviewing, or commenting on the proposed rules.

H. “Speaker list” means a list provided by the Agency that is accessible by Members of the Public during the Public Hearing to which Members of the Public must add their names if they wish to make oral testimony at the Public Hearing. This list must be accessible to Members of the Public at least 15 minutes prior to the start of the Public Hearing at the location of the Public Hearing.

5.4 Procedure for Conducting a Public Hearing

A. Convening of a Public Hearing

1. Public Hearings may be held at the election of the Agency or as required pursuant to R.I. Gen. Laws § 42-35-2.8(c). A Public Hearing is required if the Agency receives a request for a Public Hearing from twenty-five (25) persons, or by a governmental agency, or by an association having not less than twenty-five (25) members, within ten (10) days of a notice posted in accordance with § 5.4(A)(2) of this Part.
2. Notice of Public Hearings shall be issued in accordance with the provisions of R.I. Gen. Laws §§ 42-35-2.7, 42-35-2.8, and 42-46-6, when applicable.
3. Public Hearings must be open to the public.
4. The Public Hearing shall be held at a time and place designated by the Agency. The Public Hearing must not be held earlier than ten (10) days after notice of its location, date, and time is published on the Secretary of State’s website and must be held at least five (5) days before the end of the public comment period pursuant to R.I. Gen. Laws § 42-35-2.8(c) and (d).
5. In attendance on behalf of the Agency at the Public Hearing shall be the Presiding Agency Official, the Agency’s Rules Coordinator, Agency legal counsel, and a representative from the specific department within the Agency to which the Proposed Rulemaking pertains, if any such department. One individual may fill one or more of these roles where applicable.
6. The Presiding Agency Official shall preside over the Public Hearing. If the Presiding Agency Official is not the Agency head, the Presiding Agency Official shall prepare a memorandum summarizing the contents of the presentations made at the hearing for consideration by the Agency head.

B. Transcription

1. The Public Hearing shall be audio recorded or transcribed by a stenographer.
2. Any official transcript, recording, or memorandum summarizing presentations made during the Public Hearing prepared by an Agency official shall be made part of the rulemaking record in accordance with R.I. Gen. Laws § 42-35-2.3(b)(5).

C. Testimony

1. Oral Testimony

- a. Members of the Public may make oral testimony during the Public Hearing.
- b. Members of the Public who wish to make oral testimony during the Public Hearing must add their name to the Speaker List.
- c. Members of the Public may add their name to the Speaker List at any time during the Public Hearing.
- d. Members of the Public will be called to testify in the order their names appear on the Speaker List.
- e. Each Member of the Public will be allowed to give testimony as often as the Member desires, up to a total maximum time limit of fifteen (15) minutes.

2. Written Testimony

- a. Written testimony must be submitted pursuant to the instructions listed on the Notice of Proposed Rulemaking posted by the Agency pursuant to R.I. Gen. Laws § 42-35-2.7.
- b. Any written testimony received by the Agency regarding Proposed Rulemaking shall be made part of the rulemaking record in accordance with R.I. Gen. Laws § 42-35-2.3(b)(6).

D. Disruptive Conduct - Members of the Public attending the Public Hearing shall not cause disruptions, including but not limited to speaking out of turn, use of foul language, yelling, screaming, other loud noises or disorderly conduct which interrupt or distract from the testimony of other Members of the Public or from the ability of the Presiding Agency Official to conduct the Public Hearing. Any Member of the Public may have their name removed from the Speaker List if they engage in disruptive conduct.

5.5 Procedure for Concluding a Public Hearing

- A. In the event that no Member of the Public attends a Public Hearing, the Presiding Agency Official shall conclude the Public Hearing 15 minutes after it begins. Prior to the conclusion of the meeting, the Presiding Agency Official must record that no Member of the Public was present. No other testimony or presentation shall be required by the Agency.
- B. When Members of the Public are present a Public Hearing, the Public Hearing shall conclude when each Member of the Public whose name appears on the Speaking List has had the opportunity to give testimony and there are no Members of the Public left who wish to give testimony.