

**COMAR 14.01.01.06****.06 Hearing Procedures. (All new)****A. Scope.**

(1) This regulation applies to hearings held:

- (a) To gather information from the general public before making recommendations or taking action with respect to a policy; or
- (b) For the purpose of receiving technical input, technical information or expert testimony before making recommendations or taking action with respect to a policy.

(2) This regulation does not apply to contested case hearings, any part of an appeal process or a hearing where the purpose is other than to gather information from:

- (a) the public;
- (b) a person with a specific interest in the issue including a stakeholder; or
- (c) a person with specific knowledge, skills, expertise or technical information or input.

**B. General Hearing Provisions.**

(1) Notice of Hearing.

- (a) The Board shall publish a notice of the hearing on the Board's website.
- (b) The Board shall include in the notice of the hearing:
  - (i) The date and time of the hearing;
  - (ii) The physical location of the hearing, or link or registration information if the hearing is held remotely or live streamed;
  - (iii) The purpose of the hearing;
  - (iv) A statement that the Board will make reasonable accommodation for individuals with disabilities if these individuals advise the Board of their special needs by giving the Board reasonable advance notice; and

(v) Any other applicable information.

(2) Conducting a Quasi-Legislative Hearing.

(a) A hearing held under this regulation is quasi-legislative and may be conducted or presided over by:

(i) The Board Chair; or

(ii) A staff member designated by the Chair.

(b) The Chair or staff designee shall determine the conduct of the hearing, including:

(i) The order of presentation; and

(ii) Time limits for questions and testimony.

(c) The Chair or staff designee may:

(i) Order a person who engages in disruptive behavior that interferes with the orderly conduct of the hearing to be removed from the hearing;

(ii) Request police assistance to assure or restore order; and

(iii) Recess a disorderly hearing.

(d) For hearings held under this regulation the following does not apply:

(i) The right of cross-examination; and

(ii) The rules of evidence.

(e) If an exhibit is offered and is relevant to the hearing, the Chair or staff designee shall receive and mark the exhibit offered in testimony.

(f) Unless the Chair or staff designee believes that an oath provides some assurance of veracity, formality, or decorum to the hearing, the Chair or staff designee may dispense with the formality of an oath.

(g) The Chair or staff designee has discretion to:

(i) Postpone or continue the hearing; and

(ii) Accept additional materials beyond the date of the hearing.

C. Informational Hearings.

(1) Convening an Informational Hearing.

- (a) The Board may, through Board staff, convene informational hearings to receive input, information, and opinions from the public and stakeholders to inform the consideration and development of a recommendation, policy, regulation or action.
- (b) The Board shall provide public notice of the hearing in accordance with §B of this regulation.
- (c) In advance of the scheduled hearing, the Board may identify and publish questions, topics or matters about which the Board would like to receive information.

(2) Conducting an Informational Hearing.

- (a) A person who wishes to provide input, information and opinions by testifying shall:
  - (i) Register to speak in advance of the hearing as directed by staff; and
  - (ii) Provide the information requested by staff.
- (b) The Chair or staff designee shall give all persons who register to speak an opportunity to do so but may limit repetitious testimony.
- (c) The Chair or staff designee may:
  - (i) Allow questions from the audience;
  - (ii) Take questions from the audience and redirect the questions to others present at the hearing;
  - (iii) Ask questions of anyone present at the hearing; and
  - (iv) Refer questions to Board staff who may respond after the hearing.
- (d) Following an informational hearing, Board staff may provide the Board with summaries of the information received and staff's recommendations.

D. Technical Hearings.

(1) Convening a Technical Hearing.

(a) The Board may convene a hearing for the purpose of receiving technical input, technical information or expert testimony from persons with specific knowledge, skills or expertise.

(b) The Board shall provide public notice of the hearing in accordance with §B of this regulation.

(c) The Board shall identify and invite a person to testify at a technical hearing to provide technical input, technical information or expert testimony on an issue the Board wishes to explore.

(d) The Board may request that a person invited to testify submit a written statement to the Board two business days before the scheduled hearing.

(2) Conducting a Technical Hearing.

(a) The Chair may:

(i) Ask questions of any person present at the hearing;

(ii) Allow each Board member to ask questions of any person present at the hearing; and

(iii) Refer questions to Board staff who may respond after the hearing.

(b) Following a technical hearing, Board staff may provide the Board with summaries of the information received and staff's recommendations.

E. Recordings of Quasi-Legislative Hearings.

(1) At the Board's discretion, the Board or court reporter service may record the hearing.

(2) If a court reporter service records the hearing:

(a) The Board shall arrange for the court reporter service to retain the recording for 1 year following the final decision or action; and

(b) A person who desires a copy of the transcript may purchase a copy from the court reporter service.

(3) If Board staff records the hearing:

(a) The Board shall keep the recording with the original of the record; and

(b) A person who desires a copy of the transcript may purchase a copy from the Board for a reasonable cost in accordance with COMAR 14.01.03, if a transcript has been prepared.

#### F. Hearing Record.

- (1) The Chair or staff designee controls the record.
- (2) The Chair or staff designee shall assemble a record that may include the following:
  - (a) Exhibits and documents entered into the record;
  - (b) Documents concerning the hearing such as a proposed regulation, the purpose of the hearing and public notice of the hearing;
  - (c) Relevant supporting and opposing documentation obtained before, during, and subsequent to the hearing;
  - (d) The register of persons who attended the hearing including name, address, and any affiliation relevant to the hearing;
  - (e) In accordance with §E this Regulation, any:
    - (i) Full or partial transcript of the hearing made or purchased by the Board, and
    - (ii) A recording or stenographic notes of the hearing made by the Board; and
  - (f) Board staff's summaries of the information received and staff's recommendations, if any.
- (3) The record of a policy action may include the hearing records of multiple hearings, public written comments, comments at Board meetings, Stakeholder Council input, any input, data, or information received and considered by the Board and any final action or decision.