

CHAPTER 01 – OFFICE OF THE SECRETARY

SUBCHAPTER 01A - PROCEDURE

SECTION .0100 - RULE MAKING PROCEDURES

10A NCAC 01A .0101 PETITIONS

(a) Any person wishing to request the adoption, amendment, or repeal of a rule made by the Secretary of the Department of Human Resources (hereinafter referred to as the Secretary) shall make his request in a petition addressed to:

Staff Attorney for Administrative Procedures
Department of Human Resources
101 Blair Drive
Raleigh, North Carolina 27603

(b) The petition shall contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents;
- (2) the statutory authority for the agency to promulgate the rule;
- (3) the reasons for the proposal;
- (4) the effect on existing rules or orders;
- (5) any data supporting the proposal;
- (6) the effect of the proposed rule on existing practices in the area involved, including cost factors;
- (7) the names and addresses, if known, of those most likely to be affected by the proposed rule; and
- (8) the name and address of the petitioner.

(c) The Secretary or his designee shall determine, based on a study of the facts stated in the petition, whether the public interest will be served by granting the petition. The Secretary or his designee shall consider all the contents of the submitted petition, plus any additional information he deems relevant.

(d) Within 30 days of submission of the petition, the Secretary or his designee shall render a decision. To deny the petition, the Secretary or his designee shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the Secretary or his designee shall initiate a rule making proceeding by issuing a rule making notice, as provided in these rules.

*History Note: Authority G.S. 143B-10(j)(2); 150B-16;
Eff. February 1, 1976;
Amended Eff. November 1, 1989; April 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 23, 2017.*