

10A NCAC 89B .0102 PETITIONS

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Division Director shall address the petition to: A.P.A. Coordinator, Division of Vocational Rehabilitation Services, 2801 Mail Service Center, Raleigh, North Carolina 27699-2801.

(b) The petition shall contain the following information:

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

(c) The Division Director 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 Division Director shall consider all the contents of the petition, plus any additional information deemed relevant.

(d) The Division Director shall render a final decision on the petition within 30 days of submission of the petition. If the decision is to deny the petition, the petitioner shall be notified in writing and provided the reasons for the denial. Denial of the petition shall be considered a final agency decision as specified in G.S. 150B-16. If the decision is to approve the petition, rule-making proceedings shall be initiated in accordance with the rules in this Section.

*History Note: Authority G.S. 143-545; 143-546; 143B-10(j)(2); 150B-11; 150B-16;
Eff. February 1, 1976;
Amended Eff. April 1, 1988; October 20, 1979;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*