

11 NCAC 01 .0209 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING

(a) Any person may petition the Department to adopt a new rule, or amend or repeal an existing rule by submitting a rulemaking petition to the Department. The petition must be titled "Petition for Rulemaking", must be in writing, must be signed by the person submitting the petition, and must include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which an amendment or repeal is requested;
- (3) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the reason for the request;
- (5) the effect of the new rule, amendment, or repeal on existing rules or orders, or both, and on the procedures of the Department;
- (6) any other information the person submitting the petition considers relevant.

(b) The Commissioner must decide whether to grant or deny a petition for rulemaking within 30 days of receiving the petition. In making his decision, the Commissioner will consider the information submitted with the petition and any other relevant information.

(c) When the Commissioner denies a petition for rulemaking, he must send written notice of the denial to the person who submitted the request. The notice must state the reason for the denial. When the Commissioner grants a rulemaking petition, he must initiate rulemaking proceedings and send written notice of the proceedings to the person who submitted the request.

History Note: Authority G.S. 58-2-40(1); 150B-20; Eff. July 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.