

## SUBCHAPTER 01B - RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES

### SECTION .0100 - RULE-MAKING

#### 13 NCAC 01B .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING

- (a) Any person may petition the Commissioner of Labor to adopt a new permanent rule, or amend or repeal an existing permanent rule by submitting a rule-making petition to the Rulemaking Coordinator, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, NC 27699-1101.
- (b) The petition shall be titled "Petition for Rule-making" and shall 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) the text of any proposed rule or amended rule; and
  - (4) a statement of the effect of the requested rule change on the Department of Labor to include the effect on those over whom the agency has jurisdiction.
- (c) The petition may include the following to provide clarifying information to the Commissioner of Labor:
- (1) documents or data supporting the petition;
  - (2) a statement of the reasons for adoption of the proposed rule(s), amendment, or repeal of an existing rule(s), to include why the proposed rule(s) or amendment is requested;
  - (3) a statement explaining the costs and computation of the cost factors, if known;
  - (4) a description, including named entities, if known, of those most likely to be affected by the proposed rule(s);
  - (5) the statutory authority for the agency to promulgate the rule(s); and
  - (6) any other information the person submitting the petition considers relevant.
- (d) The Commissioner of Labor shall grant or deny a petition for rule-making within 30 days of the date the rule-making petition is received by the agency. In making the decision, the Commissioner of Labor shall consider the information submitted with the petition and any other relevant information.
- (e) In the review of the proposed permanent rule, the Commissioner of Labor shall consider whether the Department has authority to adopt the rule; the effect of the proposed rule on existing rules, programs, and practices; probable costs and cost factors of the proposed rule; and the impact of the rule on the public and regulated entities.
- (f) When the Commissioner of Labor denies a petition for rule-making, a written notice of the denial shall be sent to the person who submitted the request. The notice shall state the reason for the denial.
- (g) When the Commissioner of Labor grants a rule-making petition, the Rulemaking Coordinator shall initiate permanent rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

*History Note:* Authority G.S. 95-4(2); 150B-20;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. April 1, 2001; July 1, 1988; December 1, 1985;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;  
Amended Eff. May 1, 2022; January 1, 2020.

#### 13 NCAC 01B .0102 MAILING LIST

- (a) Any person or agency desiring to be placed on the mailing list for the Department's rule-making notices issued pursuant to G.S. 150B-21.2(d) may file a request in writing to the Commissioner of the Department at 1101 Mail Service Center Raleigh, NC 27699-1101.
- (b) The request shall:
- (1) include the person's name and address;
  - (2) specify the subject areas within the authority of the Department for which notice is requested; and
  - (3) state the calendar year(s) for which the notice is desired.

*History Note:* Authority G.S. 95-4(2); 150B-21.2;  
Eff. February 1, 1976;  
Readopted Eff. September 30, 1977;  
Amended Eff. April 1, 2001;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;*  
*Amended Eff. May 1, 2022.*

**13 NCAC 01B .0103      DISPOSITION OF PETITIONS**

*History Note:      Authority G.S. 95-4(2); 150B-16;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Amended Eff. April 1, 2001;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,*  
*2018;*  
*Repealed Eff. May 1, 2022.*

**SECTION .0200 - NOTICE OF RULE-MAKING HEARINGS**

**13 NCAC 01B .0201      TIMING OF NOTICE**

*History Note:      Authority G.S. 95-4(2); 150B-12(2);*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Repealed Eff. July 1, 1988.*

**13 NCAC 01B .0202      NOTICE MAILING LIST**  
**13 NCAC 01B .0203      ADDITIONAL INFORMATION**

*History Note:      Authority G.S. 95-4; 150B-12;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Amended Eff. July 1, 1988; December 1, 1985;*  
*Repealed Eff. April 1, 2001.*

**SECTION .0300 - RULE-MAKING HEARINGS**

**13 NCAC 01B .0301      REQUEST TO PARTICIPATE**  
**13 NCAC 01B .0302      CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS**  
**13 NCAC 01B .0303      RECEIPT OF REQUEST: SPECIFIC TIME LIMITS**  
**13 NCAC 01B .0304      WRITTEN SUBMISSIONS**  
**13 NCAC 01B .0305      PRESIDING OFFICER: POWERS AND DUTIES**  
**13 NCAC 01B .0306      STATEMENT OF REASONS FOR DECISION**  
**13 NCAC 01B .0307      RECORD OF PROCEEDINGS**

*History Note:      Authority G.S. 95-4; 150B-12;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Amended Eff. July 1, 1988; December 1, 1985;*  
*Repealed Eff. April 1, 2001.*

**13 NCAC 01B .0308      EMERGENCY RULES**

*History Note:      Authority G.S. 95-4; 74A-1; 150B-13;*  
*Eff. February 1, 1976;*  
*Readopted Eff. September 30, 1977;*  
*Repealed Eff. July 1, 1988.*

**SECTION .0400 - DECLARATORY RULINGS**



