SUBCHAPTER 01F - PROCEDURAL RIGHTS

SECTION .0100 - RULE-MAKING PROCEDURES

20 NCAC 01F .0101 ESTABLISHMENT OF PROCEDURAL RIGHTS

The following rule-making procedures are established for the Department of State Treasurer and are applicable to each division within the department unless a division has set out different rule-making procedures in its own rules, within this Title.

History Note: Authority G.S. 143A-31;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,

2016

20 NCAC 01F .0102 CORRESPONDENCE

History Note: Authority G.S. 143A-31;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,

2016

Repealed Eff. December 1, 2021.

20 NCAC 01F .0103 PETITIONING FOR RULE-MAKING

20 NCAC 01F .0104 NOTICE OF RULE-MAKING HEARING

20 NCAC 01F .0105 LOCATION OF HEARING

20 NCAC 01F .0106 ORAL PRESENTATION

20 NCAC 01F .0107 WRITTEN SUBMISSION

20 NCAC 01F .0108 PRESIDING OFFICER

20 NCAC 01F .0109 REQUEST FOR STATEMENT OF REASON

20 NCAC 01F .0110 RECORD OF PROCEEDINGS

History Note: Authority G.S. 143A-31; 150B-11; 150B-12; 150B-16; 116B-42;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Amended Eff. July 1, 1987;

Expired Eff. May 1, 2016 pursuant to G.S. 150B-21.3A.

20 NCAC 01F .0111 PETITION FOR RULEMAKING

- (a) All petitions requesting the adoption, amendment, or repeal of a rule shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.
- (b) The petition for rulemaking shall:
 - (1) contain the names and addresses of petitioners;
 - (2) identify the agency, board, or commission to whom the petition is directed for consideration; and
 - (3) for petitions to adopt or amend a rule, draft text of the proposed rule or amendment and a statement of the effect of the requested rule change.
- (c) The petition may contain the following information:
 - (1) the reason for the proposal;
 - (2) anticipated cost factors; or
 - (3) any additional data supporting the petition.
- (d) If the State Treasurer is the appropriate rulemaking body to consider the petition, within 30 days of submission of the petition, the State Treasurer, or deputy pursuant to G.S. 147-75, shall render a final decision. If the decision is to deny the petition, the petitioner shall be notified in writing, stating the reasons for the denial. If the decision is to grant the petition, written notice of the decision shall be provided as set forth in G.S. 150B-20(c) and rulemaking proceedings shall be initiated.

(e) If a board or commission within the Department of State Treasurer is the appropriate rulemaking body to consider the petition, the petition shall be forwarded to the chair of the board or commission. Within 120 days of submission of the petition, the board or commission shall render a final decision. If the decision is to deny the petition, the petitioner shall be notified by the board or commission in writing, stating the reasons for the denial. If the decision is to grant the petition, written notice of the decision shall be provided as set forth in G.S. 150B-20(c) and rulemaking proceedings shall be initiated.

History Note: Authority G.S. 150B-20;

Eff. December 1, 2021.

SECTION .0200 - DECLARATORY RULINGS

20 NCAC 01F .0201 ESTABLISHMENT OF PROCEDURAL RIGHTS

The following declaratory ruling procedures are established for the Department of State Treasurer and are applicable to each division within the department, unless a division has set out different procedures concerning declaratory rulings in its own rules, within this Title.

History Note: Authority G.S. 143A-31;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,

2016.

20 NCAC 01F .0202 REQUESTS FOR RULING

History Note: Authority G.S. 150B-17;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Expired Eff. May 1, 2016 pursuant to G.S. 150B-21.3A.

20 NCAC 01F .0203 FORM OF REQUESTS 20 NCAC 01F .0204 WHO MAKES RULING

History Note: Authority G.S. 150B-17;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,

2016;

Repealed Eff. December 1, 2021.

20 NCAC 01F .0205 REFUSAL 20 NCAC 01F .0206 ISSUANCE

History Note: Authority G.S. 150B-17;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Expired Eff. May 1, 2016 pursuant to G.S. 150B-21.3A.

20 NCAC 01F .0207 RULING PROCEDURES

History Note: Authority G.S. 150B-17;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5,

2016;

Repealed Eff. December 1, 2021.

20 NCAC 01F .0208 DECLARATORY RULINGS

- (a) All requests for declaratory rulings shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.
- (b) The request for declaratory ruling shall:
 - (1) contain the name and address of the requestor;
 - (2) identify the agency, board, or commission to whom the request is directed for consideration;
 - (3) identify the statute, rule, or order to which the request relates; and
 - (4) contain a statement of the manner in which the requestor is affected, or thinks that the requestor may be affected, by the statute, rule, or order and its application to the requestor.
- (c) A decision to grant or deny a request for a declaratory ruling will be made by the State Treasurer, a deputy pursuant to G.S. 147-75, or board or commission within 30 days of receipt. The requestor shall be notified in writing of a decision to grant or deny the request.
- (d) A request for declaratory ruling shall be denied by the State Treasurer, deputy, or appropriate board or commission if:
 - (1) the request does not meet the requirements set forth in this Rule;
 - (2) a declaratory ruling has previously been issued on same or similar facts;
 - (3) a controlling decision has already been issued on same or similar facts in a contested case;
 - (4) the facts underlying the request were considered at the time of adoption of the rule; or
 - (5) the subject matter of the request is involved in pending litigation.
- (e) If the request is granted, the State Treasurer, deputy, or appropriate board or commission shall issue a written ruling within 45 days of the decision to grant the request.

History Note: Authority G.S. 150B-4;

Eff. December 1, 2021.

SECTION .0300 - CONTESTED CASE PROCEDURES

20 NCAC 01F .0301 PROCEDURES FOR CONTESTED CASES

History Note: Authority G.S. 143A-31;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977; Amended Eff. August 1, 1988;

Expired Eff. May 1, 2016 pursuant to G.S. 150B-21.3A.

20 NCAC 01F .0302 REQUEST FOR A CONTESTED CASE HEARING

20 NCAC 01F .0303 NOTICE

20 NCAC 01F .0304 WAIVER OF OPPORTUNITY FOR A HEARING

20 NCAC 01F .0305 HEARING OFFICERS IN CONTESTED CASES: DISQUALIFICATIONS

20 NCAC 01F .0306 PLACE OF HEARING 20 NCAC 01F .0307 INTERVENTION

20 NCAC 01F .0308 FAILURE TO APPEAR

20 NCAC 01F .0309 WRITTEN ANSWERS TO NOTICE

20 NCAC 01F .0310 SIMPLIFICATION OF ISSUES

20 NCAC 01F .0311 SUBPOENAS 20 NCAC 01F .0312 DEPOSITIONS

20 NCAC 01F .0313 PROPOSAL FOR DECISION FINAL AGENCY DECISIONS

History Note: Authority G.S. 143A-31; 150B-23; 150B-24; 150B-25; 150B-27; 150B-28; 150B-31; 150B-32;

150B-34; 150B-36; 1A-1, Rules 26-33;

Eff. February 1, 1976;

Readopted Eff. September 15, 1977; Repealed Eff. August 1, 1988.