

21 NCAC 21 .0803 PETITION FOR RULEMAKING HEARINGS

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule (the "proposed rule") by the Board shall file the petition with the Board. The first page of the petition shall clearly bear the notation: RULEMAKING PETITION RE and then [state the subject area]. The Petition shall contain the following information:

- (1) the text of the proposed rule for adoption or amendment;
- (2) a statement of the reasons for adoption or amendment of the proposed rule or the repeal of an existing rule;
- (3) a statement of the proposed rule's effect on existing rules or orders;
- (4) the name and address of the petitioner; and
- (5) a request to present the petition to the Board, if desired.

(b) In its review of the proposed rule, the Board shall consider whether it 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 licensees. The petitioner may include the following information with the request:

- (1) the statutory authority for the agency to promulgate the rule;
- (2) a statement of the effect of the proposed rule(s) on existing practices in the area involved, including the cost for persons affected by the proposed rule;
- (3) a statement explaining the computation of the cost;
- (4) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rule; and
- (5) documents and data supporting the proposed rule.

(c) An original and eight copies of the petition and supporting documents shall be filed with the Board.

(d) Filings that do not contain the information required by this Rule shall not be accepted and shall be returned by the Chair to the person making the filing.

*History Note: Authority G.S. 89E-5; 150B-20;
 Eff. February 1, 1986;
 Amended Eff. April 1, 2003.
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December
 16, 2014;
 Amended Eff. June 1, 2017.*