

## SECTION .0200 – RULE-MAKING

### 25 NCAC 01B .0201 CONTENT AND PROCEDURE

(a) Any person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule of the Commission shall address a petition to:

Office of State Human Resources  
1331 Mail Service Center

Raleigh, North Carolina 27699-1331.

(b) The petition shall be labeled Petition for Rulemaking and contain the following information:

- (1) either a draft of the proposed rule or a summary of its contents;
- (2) reason for proposal;
- (3) effect on existing rules or orders;
- (4) data supporting proposal;
- (5) fiscal note on the impact of the proposed rule on existing practices in the area involved, including cost factors and basis of analysis;
- (6) names of those most likely to be affected by the proposed rule with addresses if reasonably known;
- (7) name(s) and address(es) of petitioner(s).

(c) The Office of State Human Resources shall examine the petition and weigh the information therein in relation to the public interest. The Office of State Human Resources shall consider all the contents of the submitted petition, plus any additional information the Office of State Human Resources deems relevant. The Office of State Human Resources shall make a recommendation to the Commission for the denial of the petition or the institution of rule-making proceedings, as the case may be.

(d) At the next regularly scheduled Commission meeting occurring at least 60 days after the submission of the petition, the Commission shall render a final decision. If the decision is to deny the petition, the Office of State Human Resources shall notify the petitioner in writing, stating the reasons therefor. If the decision is to grant the petition, the Commission, within 30 days of submission, shall initiate rule-making proceedings by issuing a notice of rulemaking proceeding, in accordance with the requirements G.S. 150B.

*History Note:* Authority G.S. 126-2; 126-4; 150B-20;  
Eff. February 1, 1976;  
Amended Eff. February 1, 2008; March 1, 1996; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014.