

## SECTION .0300 - PETITIONS FOR RULEMAKING

### 15A NCAC 03P .0301 FORM AND CONTENTS OF PETITIONS FOR RULEMAKING

(a) Any person wishing to request the adoption, amendment, or repeal of a rule of the Marine Fisheries Commission shall submit the person's request in a written petition to the Marine Fisheries Commission Chair addressed to the Marine Fisheries Commission Office, Division of Marine Fisheries, 3441 Arendell Street, P.O. Box 769, Morehead City, NC 28557.

(b) The petition shall specify it is filed pursuant to G.S. 150B-20 and shall contain the following information:

- (1) the text of the proposed rules for adoption or amendment;
- (2) a statement of the reasons for adoption or amendment of the proposed rules, or the repeal of existing rules;
- (3) a statement of the effect of the requested rule changes on:
  - (A) existing rules;
  - (B) existing practices in the area involved; and
  - (C) those most likely to be affected by the requested rule changes; and
- (4) the name and address of the petitioner.

(c) The petitioner may include the following information within the request:

- (1) the statutory authority for the agency to promulgate the rules;
- (2) a statement of the cost factors for persons affected by the proposed rules;
- (3) a statement explaining the computation of the cost factors;
- (4) a description, including the names and addresses, if known, of those most likely to be affected by the proposed rules; and
- (5) documents and data supporting the proposed rules.

(d) In its review of the proposed rules, the Commission shall consider:

- (1) whether it has the authority to adopt the rules;
- (2) the effect of the proposed rules on existing rules, programs, and practices;
- (3) probable costs and cost factors of the proposed rules; and
- (4) the impact of the rules on the public and regulated entities.

(e) A petition failing to contain the required information shall be returned by the Marine Fisheries Commission Chair.

*History Note:* Authority G.S. 113-134; 113-182; 113-201; 143B-289.51; 143B-289.52; 150B-20;  
Eff. April 1, 1999;  
Readopted Eff. June 1, 2022.