

SECTION .0200 - PETITION FOR RULE-MAKING - DECLARATORY RULINGS

26 NCAC 01 .0201 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING

(a) Any person may petition the Office of Administrative Hearings (OAH) to adopt a new rule, or amend or repeal an existing rule by submitting a rule-making petition to OAH. The petition must be titled "Petition for Rule-making" and must 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) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule or amendment or repeal of an existing rule is requested and the effect of the new rule, amendment, or repeal on the procedures of OAH;
- (5) any other information the person submitting the petition considers relevant.

(b) The Director of the Office of Administrative Hearings (Director) must decide whether to grant or deny a petition for rule-making within 30 days of receiving the petition. In making his decision, the Director will consider the information submitted with the petition and any other relevant information.

(c) When the Director denies a petition for rule-making, he must send written notice of the denial to the person who submitted the request. The notice must state the reason for the denial. When the Director grants a rule-making petition, he must initiate rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

*History Note: Authority G.S. 150B-20;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*