

12 NCAC 09G .0103 RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES

- (a) Petitions for Rule-Making shall be submitted to the Commission and shall contain:
- (1) petitioner's name, address and telephone number;
 - (2) a draft of the proposed rule or rule change for adoptions or amendments; and
 - (3) the reason for its proposal.
- (b) Petitioners may also submit the following in the petition:
- (1) the effect of the proposal on existing rules or decisions;
 - (2) data supporting the proposal;
 - (3) practices likely to be affected by the proposal; and
 - (4) a list or description of persons likely to be affected by the proposed rule.
- (c) Administrative hearings in contested cases conducted by the Commission or an Administrative Law Judge (as authorized in G.S. 150B-40) shall be governed by:
- (1) procedures set out in G.S. 150B, Article 3;
 - (2) the Rules of Civil Procedure as contained in G.S. 1A-1;
 - (3) the General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.
- (d) The rules establishing procedures for contested cases incorporated by the Office of Administrative Hearings as contained in 26 NCAC 03 are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which this agency has authority to adopt rules under G.S. 150B-38(h).
- (e) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding Administrative Law Judge in 26 NCAC 03.
- (f) An applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of proposed action by the Commission to request a contested case hearing.

*History Note: Authority G.S. 17C-6; 17C-11(b); 150B-20; 150B-38(h); 150B-40;
Temporary Adoption Eff. January 1, 2001;
Eff. August 1, 2002;
Amended Eff. January 1, 2019;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,
2019.*