

SUBCHAPTER 01B - RULE-MAKING AND ADMINISTRATIVE HEARING PROCEDURES

SECTION .0100 - RULE-MAKING

13 NCAC 01B .0101 INSTRUCTIONS FOR FILING A PETITION FOR RULE-MAKING

- (a) Any person may petition the Commissioner of Labor to adopt a new permanent rule, or amend or repeal an existing permanent rule by submitting a rule-making petition to the Rulemaking Coordinator, N.C. Department of Labor, 1101 Mail Service Center, Raleigh, NC 27699-1101.
- (b) The petition shall be titled "Petition for Rule-making" and shall 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) the text of any proposed rule or amended rule; and
 - (4) a statement of the effect of the requested rule change on the Department of Labor to include the effect on those over whom the agency has jurisdiction.
- (c) The petition may include the following to provide clarifying information to the Commissioner of Labor:
- (1) documents or data supporting the petition;
 - (2) a statement of the reasons for adoption of the proposed rule(s), amendment, or repeal of an existing rule(s), to include why the proposed rule(s) or amendment is requested;
 - (3) a statement explaining the costs and computation of the cost factors, if known;
 - (4) a description, including named entities, if known, of those most likely to be affected by the proposed rule(s);
 - (5) the statutory authority for the agency to promulgate the rule(s); and
 - (6) any other information the person submitting the petition considers relevant.
- (d) The Commissioner of Labor shall grant or deny a petition for rule-making within 30 days of the date the rule-making petition is received by the agency. In making the decision, the Commissioner of Labor shall consider the information submitted with the petition and any other relevant information.
- (e) In the review of the proposed permanent rule, the Commissioner of Labor shall consider whether the Department 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 regulated entities.
- (f) When the Commissioner of Labor denies a petition for rule-making, a written notice of the denial shall be sent to the person who submitted the request. The notice shall state the reason for the denial.
- (g) When the Commissioner of Labor grants a rule-making petition, the Rulemaking Coordinator shall initiate permanent rule-making proceedings and send written notice of the proceedings to the person who submitted the request.

History Note: Authority G.S. 95-4(2); 150B-20;
Eff. February 1, 1976;
Readopted Eff. September 30, 1977;
Amended Eff. April 1, 2001; July 1, 1988; December 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018;
Amended Eff. May 1, 2022; January 1, 2020.