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;