

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of State Treasurer

RULE CITATION: 20 NCAC 01F .0102, .0203, .0204, and .0207

**DEADLINE FOR RECEIPT: Monday, November 8, 2021**

***NOTE: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*Please format all of the repeals correctly. You will not strike the name or the History Note, and you do not need to show the striking of the text. In addition, please insert a Repealed Eff. date. An example of the repeal formatting is found here:*  
<https://files.nc.gov/ncoah/documents/Rules/Examples---Permanent-Repeal-For-Publication-In-The-Ncac.pdf>

*So, for Rule 01F .0102, the text of the Rule will look like:*

### **20 NCAC 01F .0102      CORRESPONDENCE**

*History Note:      Authority G.S. 143A-31;  
                         Eff. February 1, 1976;  
                         Readopted Eff. September 15, 1977;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016;  
                         Repealed Eff. December 1, 2021.*

*Please be sure to continue to combine Rules .0203 and .0204 as consecutive repeals:*

### **20 NCAC 01F .0203      FORM OF REQUESTS**

### **20 NCAC 01F .0204      WHO MAKES RULING**

*History Note:      Authority G.S. 150B-17;  
                         Eff. February 1, 1976;  
                         Readopted Eff. September 15, 1977;  
                         Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016;  
                         Repealed Eff. December 1, 2021.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: October 25, 2021

1 20 NCAC 01F .0102 is repealed as published in 36:04 NCR, page 263 as follows:

2  
3 **~~20 NCAC 01F .0102~~ — ~~CORRESPONDENCE~~**

4 ~~All correspondence within the Department of State Treasurer should be addressed to the division within the~~  
5 ~~department.~~

6  
7 ~~History Note: Authority G.S. 143A-31;~~

8 ~~Eff. February 1, 1976;~~

9 ~~Readopted Eff. September 15, 1977;~~

10 ~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016.~~

20 NCAC 01F .0111 is adopted as published in the 36:04 of the NCR, page 263 as follows:

**20 NCAC 01F .0111 PETITION FOR RULEMAKING**

(a) All petitions requesting the adoption, amendment, or repeal of a rule shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.

(b) The petition for rulemaking shall:

(1) contain the names and addresses of petitioners;

(2) identify the agency, board, or commission to whom the petition is directed for consideration;

and

(3) for petitions to adopt or amend a rule, draft text of the proposed rule or amendment and a statement of the effect of the requested rule change.

(c) The petition may contain the following information:

(1) the reason for the proposal;

(2) anticipated cost factors; or

(3) any additional data supporting the petition.

(d) If the State Treasurer is the appropriate rulemaking body to consider the petition, within 30 days of submission of the petition, the State Treasurer, or deputy pursuant to G.S. 147-75, shall render a final decision. If the decision is to deny the petition, the petitioner shall be notified in writing, stating the reasons for the denial. If the decision is to grant the petition, written notice of the decision shall be provided as set forth in G.S. 150B-20(c) and rulemaking proceedings shall be initiated.

(e) If a board or commission within the Department of State Treasurer is the appropriate rulemaking body to consider the petition, the petition shall be forwarded to the chair of the board or commission. Within 120 days of submission of the petition, the board or commission shall render a final decision. If the decision is to deny the petition, the petitioner shall be notified by the board or commission in writing, stating the reasons for the denial. If the decision is to grant the petition, written notice of the decision shall be provided as set forth in G.S. 150B-20(c) and rulemaking proceedings shall be initiated.

History Note: Authority G.S. 150B-20;

Eff. December 1, 2021.

20 NCAC 01F .0203 and .0204 are repealed as published in 36:04 NCR, page 263-264 as follows:

**~~20 NCAC 01F .0203 — FORM OF REQUESTS~~**

All requests for a declaratory ruling must include the following information:

- ~~(1) — name, address and telephone number of petitioner;~~
- ~~(2) — statute or rule to which petition relates;~~
- ~~(3) — concise statement of the manner in which petitioner is aggrieved by the rule or statute, or its potential application to him;~~
- ~~(4) — a statement of whether an oral hearing is desired, and if so, the reasons for such an oral hearing.~~

**~~20 NCAC 01F .0204 — WHO MAKES RULING~~**

The chief officer shall have the power to make such declaratory rulings. All requests for declaratory rulings shall be written and mailed to the chief officer.

~~History Note: — Authority G.S. 150B-17;~~

~~Eff. February 1, 1976;~~

~~Readopted Eff. September 15, 1977;~~

~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016.~~

20 NCAC 01F .0207 is repealed as published in 36:04 NCR, page 264 as follows:

**~~20 NCAC 01F .0207~~ — **RULING PROCEDURES****

~~Declaratory ruling procedures may consist of written submissions, an oral hearing, or such other procedures as may be appropriate in a particular case.~~

~~History Note: — Authority G.S. 150B-17;~~

~~Eff. February 1, 1976;~~

~~Readopted Eff. September 15, 1977;~~

~~Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 5, 2016.~~

## **REQUEST FOR TECHNICAL CHANGE**

AGENCY: Department of State Treasurer

RULE CITATION: 20 NCAC 01F .0208

**DEADLINE FOR RECEIPT: Monday, November 8, 2021**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (d)(2), line 18, and (d)(3), line 19, what are "similar" facts here? Who will determine this, based upon what?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: October 25, 2021

20 NCAC 01F .0208 is adopted as published in the 36:04 of the NCR, page 264 as follows:

**20 NCAC 01F .0208      DECLARATORY RULINGS**

(a) All requests for declaratory rulings shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.

(b) The request for declaratory ruling shall:

\_\_\_\_\_ (1) contain the name and address of the requestor;

\_\_\_\_\_ (2) identify the agency, board, or commission to whom the request is directed for consideration;

\_\_\_\_\_ (3) identify the statute, rule, or order to which the request relates; and

\_\_\_\_\_ (4) contain a statement of the manner in which the requestor is affected, or thinks that the requestor may be affected, by the statute, rule, or order and its application to the requestor.

(c) A decision to grant or deny a request for a declaratory ruling will be made by the State Treasurer, a deputy pursuant to G.S. 147-75, or board or commission within 30 days of receipt. The requestor shall be notified in writing of a decision to grant or deny the request.

(d) A request for declaratory ruling shall be denied by the State Treasurer, deputy, or appropriate board or commission if:

\_\_\_\_\_ (1) the request does not meet the requirements set forth in this Rule;

\_\_\_\_\_ (2) a declaratory ruling has previously been issued on same or similar facts;

\_\_\_\_\_ (3) a controlling decision has already been issued on same or similar facts in a contested case;

\_\_\_\_\_ (4) the facts underlying the request were considered at the time of adoption of the rule; or

\_\_\_\_\_ (5) the subject matter of the request is involved in pending litigation.

(e) If the request is granted, the State Treasurer, deputy, or appropriate board or commission shall issue a written ruling within 45 days of the decision to grant the request.

History Note: Authority G.S. 150B-4;

Eff. December 1, 2021.