

1 21 NCAC 17 .0119 is proposed for adoption with changes as published in 29:14 NCR 1701-1702:

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3 **21 NCAC 17.0119 DECLARATORY RULINGS**

4 ~~(a) The issuance of a declaratory ruling by the Board is governed by G.S. 150B-4.~~

5 ~~(b) (a)~~ A request for a declaratory ruling made pursuant to G.S. 150B-4 shall be in writing and addressed to the ~~Board.~~
6 Board at the address provided in 21 NCAC 17. 0104(c). The request shall contain the following information:

7 (1) ~~The~~ the name and address of the person requesting the ruling;

8 (2) ~~The statute or rule~~ the statute, rule, or order to which the request relates;

9 (3) ~~A~~ a concise statement ~~of the manner in which the person has been, or may be aggrieved by the statute or~~
10 ~~rule; as to whether the request is for a ruling on the validity of a rule or on the applicability of a statute, rule,~~
11 or order to a given factual situation; and

12 (4) ~~A~~ a statement as to whether a hearing is desired, and if desired, the reason therefore.

13 ~~(e)~~ (b) The Board shall refuse to issue a declaratory ruling under the following circumstances:

14 (1) ~~When~~ when the Board determines it has already made a controlling decision on substantially similar facts
15 in a contested case.

16 (2) ~~When~~ when the facts underlying the request for a ruling on a rule were specifically considered at the time
17 of the adoption of the rule in question; or

18 (3) ~~When~~ when the subject matter of the request is involved in pending litigation ~~in North Carolina~~ to which
19 the Board is a party.

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21 *History Note: Authority G.S. ~~150B-4; 90-356(2)~~ 90-356(2); 150B-4;*

22 *Eff. ~~May 1, 2015~~ June 1, 2015.*

1 21 NCAC 17 .0120 is proposed for adoption with changes as published in 29:14 NCR 1701-1702:

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3 **21 NCAC 17.0120 PETITIONS FOR ADOPTION, ~~AMENDMENT~~ AMENDMENT, OR REPEAL OF**
4 **RULES**

5 ~~(a) The procedure for petitioning the Board to adopt, amend, or repeal a rule and for the Board's response is governed~~
6 ~~by G.S. 150B-20.~~

7 ~~(b)~~ (a) Rule-making petitions made pursuant to G.S. 150B-20 shall be sent to the Board. No special form is required,
8 but the petitioner shall state his or her name and address. The petition shall include:

9 (1) ~~A draft of any proposed rule or amendment to a rule;~~ the text of the proposed rule(s) for adoption or
10 amendment;

11 (2) ~~The~~ a statement of the reasons for the proposal;

12 (3) ~~The~~ a statement of the effect of the proposal on existing rules or decisions;

13 (4) ~~Any~~ any data supporting the proposed rule change;

14 (5) ~~Practices~~ if known, practices likely to be affected by the proposed rule change; and

15 (6) ~~Persons~~ if known, persons likely to be affected by the proposed rule change.

16 ~~(c)~~ (b) ~~The Board, Board shall make a decision to grant or deny the petition based upon~~ based on a study of the facts
17 stated in the petition, whether the public interest will be better served by granting or denying the petition, and any
18 other relevant ~~information, shall make a decision as to whether to grant or deny the petition.~~ information, as determined
19 by the Board.

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21 *History Note: Authority G.S. 150B-20; 90-356(2) 90-356(2); 150B-20;*

22 *Eff. ~~May 1, 2015~~ June 1, 2015.*

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1 21 NCAC 17 .0121 is proposed for adoption with changes as published in 29:14 NCR 1701-1702:

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3 **21 NCAC 17.0121 RULE MAKING NOTICE**

4 Persons or agencies desiring to receive ~~individual~~ notice of the Board's rule making shall file a written request with
5 the Board at the address provided in 21 NCAC 17. 0104(c), furnishing their name, mailing address, and electronic
6 mailing address, if applicable.

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8 *History Note: Authority G.S. ~~150B-20; 90-356(2); 90-356(2); 150B-21.2(d);~~*

9 *Eff. ~~May 1, 2015~~ June 1, 2015.*