

**SUBCHAPTER 22B - RULE MAKING PROCEDURES**

**SECTION .0100 - PETITIONS FOR RULE MAKING**

**21 NCAC 22B .0101 PETITIONS**

In accordance with G.S. 150B-16, any person desiring the adoption, amendment or repeal of a rule by the Board shall submit a petition to the Board containing the following information:

- (1) Name of board;
- (2) A draft of the proposed rule;
- (3) Reasons for the adoption, amendment or repeal;
- (4) Data supporting the proposed rule;
- (5) The effect of the proposal on existing rules;
- (6) Effects of the proposed rule on persons licensed under Chapter 93D of the General Statutes of North Carolina;
- (7) Names (including addresses if known) of those most likely to be affected by the rule; and
- (8) Name(s) and address(es) of petitioner(s).

*History Note:* Authority G.S. 93D-3(c); 150B-12; 150B-16;  
Eff. April 23, 1976;  
Amended Eff. May 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

<b>21 NCAC 22B .0102</b>	<b>CONTENTS OF PETITIONS</b>
<b>21 NCAC 22B .0103</b>	<b>AMENDMENT OR REPEAL</b>
<b>21 NCAC 22B .0104</b>	<b>CONTENTS OF PETITIONS</b>
<b>21 NCAC 22B .0105</b>	<b>GRANTING OR DENYING PETITIONS</b>
<b>21 NCAC 22B .0106</b>	<b>RECOMMENDATION</b>
<b>21 NCAC 22B .0107</b>	<b>FINAL DECISION</b>

*History Note:* Authority G.S. 93D-3; 150B-16;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

**SECTION .0200 - NOTICE**

<b>21 NCAC 22B .0201</b>	<b>NOTICE TO PARTIES</b>
<b>21 NCAC 22B .0202</b>	<b>MAILING LIST</b>
<b>21 NCAC 22B .0203</b>	<b>PUBLIC NOTICE</b>
<b>21 NCAC 22B .0204</b>	<b>INFORMATION REQUESTS</b>

*History Note:* Authority G.S. 93D-3; 150B-12; 150B-16;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

**SECTION .0300 - HEARINGS**

**21 NCAC 22B .0301 LOCATION OF HEARINGS**

*History Note:* Authority G.S. 93D-3; 150B-12;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

**21 NCAC 22B .0302 COMMENTS**

In accordance with G.S. 150B-12 and 150B-16, the record of hearing will be open for receipt of written comments for 30 consecutive days prior to the date of the public rule making hearing. Any interested person may present written or oral comments relevant to the actions proposed at the public rule making hearing or may deliver written comments to the Board office no later than 10:00 a.m. on the day of the hearing. Any person planning to make oral comments is encouraged to submit a written copy of the presentation at or before the time of the public hearing.

*History Note:* Authority G.S. 93D-3(c); 150B-12; 150B-16;  
Eff. April 23, 1976;  
Amended Eff. May 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

**21 NCAC 22B .0303 REQUEST FOR ORAL PRESENTATIONS**

**21 NCAC 22B .0304 ORAL PRESENTATION**

**21 NCAC 22B .0305 WRITTEN STATEMENT**

**21 NCAC 22B .0306 ACKNOWLEDGMENT**

*History Note:* Authority G.S. 93D-3; 150B-11; 150B-12; 150B-16;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

**21 NCAC 22B .0307 CONTROL OF HEARINGS**

The presiding officer at the hearing shall have complete control of the proceedings including the allotment of time for oral presentations.

*History Note:* Authority G.S. 93D-3(c); 150B-12;  
Eff. April 23, 1976;  
Amended Eff. May 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

**21 NCAC 22B .0308 REQUEST FOR STATEMENT ON FINAL DECISION**

**21 NCAC 22B .0309 RECORDS**

*History Note:* Authority G.S. 93D-3; 150B-11; 150B-12; 150B-16;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

**SECTION .0400 - EMERGENCY RULES**

**21 NCAC 22B .0401 POWER TO ISSUE**

**21 NCAC 22B .0402 LENGTH OF EFFECTIVENESS**

*History Note:* Authority G.S. 93D-3; 150B-13;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

**SECTION .0500 - DECLARATORY RULINGS**

**21 NCAC 22B .0501 REQUEST FOR DECLARATORY RULING**

Any person affected by a statute administered by the Board or by a rule promulgated by the Board may request a declaratory ruling as to the validity of a rule or as to the applicability of a statute or rule to a given state of facts. All requests for declaratory rulings shall be in writing and shall contain the following information:

- (1) Name(s) and address(es) of petitioner(s);
- (2) Statute and/or rule to which the petition relates; and
- (3) Concise statement of facts and explanation of the manner in which the petitioner is injured, or thinks he may be injured, by the statute or rule as applied to him.

*History Note:* Authority G.S. 93D-3(c); 150B-17;  
Eff. April 23, 1976;  
Amended Eff. April 1, 1989; May 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

#### **21 NCAC 22B .0502 CONTENTS OF REQUEST**

*History Note:* Authority G.S. 93D-3; 150B-17;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

#### **21 NCAC 22B .0503 REFUSAL TO ISSUE DECLARATORY RULING**

In accordance with G.S. 150B-17, the Board may decline to issue a declaratory ruling if any of the following circumstances exist:

- (1) A declaratory ruling would be futile because circumstances have so changed since the promulgation of the rule that the rule no longer serves its original purpose;
- (2) A similar factual situation has been the basis of a contested case;
- (3) The factual situation at issue was specifically considered upon the adoption of the rule being questioned, as evidenced by the rule making record;
- (4) The subject matter of the requested declaratory ruling is involved in a lawsuit pending in a court of this state or a federal court; or
- (5) Failure to comply with the requirements contained in Rule .0501 of this Section.

*History Note:* Authority G.S. 93D-3(c); 150B-17;  
Eff. April 23, 1976;  
Amended Eff. May 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

#### **21 NCAC 22B .0504 ISSUANCE OF DECLARATORY RULING**

#### **21 NCAC 22B .0505 PROCEDURE**

#### **21 NCAC 22B .0506 VALIDITY OF RULE**

#### **21 NCAC 22B .0507 CIRCUMSTANCES**

*History Note:* Authority G.S. 93D-3; 150B-17;  
Eff. April 23, 1976;  
Repealed Eff. May 1, 1988.

### **SECTION .0600 - FEES**

#### **21 NCAC 22B .0601 FEE SCHEDULE**

#### **21 NCAC 22B .0602 AMOUNT**

*History Note:* Authority G.S. 12-3.1; 93D-3;

*Eff. April 23, 1976;*  
*Repealed Eff. May 1, 1988.*

**21 NCAC 22B .0603      FEE SCHEDULE (RECODIFIED TO 21 NCAC 22A .0501 MAY 1, 2013)**