

**21 NCAC 42K .0204 AGENCY RESPONSE TO A RULE-MAKING PETITION**

(a) The President of the Board may designate one or more board members to determine whether the public interest will be served by granting a rule-making petition. Prior to making this determination, the Board may request additional information from the petitioner, may contact interested persons or persons likely to be affected by the proposal and request their comments, or may use any other appropriate method for obtaining information upon which to base the determination of public interest.

(b) The designated Board member or members will recommend to the Board either the institution of rule-making proceedings or the denial of the petition, as the total information obtained suggests to be proper and in the public interest.

(c) The Board will decide whether to grant or deny the petition within the time limits set in G.S. 150B-20. If the decision is to deny the petition, the Board shall notify each petitioner in writing, stating the reasons for the denial. If the decision is to grant the petition, the Board shall immediately initiate a rule-making proceeding as described in these rules and in G.S. 150B-21.1 or G.S. 150B-21.2.

*History Note:* Authority G.S. 150B-20; 150B-21.1; 150B-21.2;

*Eff. June 1, 1989;*

*Amended Eff. March 1, 1993;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.*