

21 NCAC 42K .0704 RECORD OF DECLARATORY RULING

(a) A record of each declaratory ruling and the proceedings held in connection with such ruling will be maintained by the Board at least until:

- (1) the statute or rule interpreted by the declaratory ruling is amended or repealed;
- (2) the Board prospectively changes the declaratory ruling;
- (3) any court sets aside the ruling in litigation between the Board and the party requesting the ruling; or
- (4) any court of the Appellate Division of the General Court of Justice construes the statute or rule that is the subject of the declaratory ruling in a manner plainly irreconcilable with the declaratory ruling.

(b) The record will contain:

- (1) the Request for Declaratory Ruling;
- (2) all written submissions filed in the request, whether filed by the person requesting the ruling or by any other person;
- (3) a record or summary of oral presentation, if any; and
- (4) a copy of the declaratory ruling.

(c) Records of declaratory rulings will be available for public inspection during the regular office hours of the Board.

History Note: Authority G.S. 132-6; 150B-4;

Eff. June 1, 1989;

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