

CHAPTER 4 - DECLARATORY RULINGS

06 NCAC 04 .0103 DECLARATORY RULING PROCESS

Any person aggrieved by a rule approved or adopted by the Council of State may request a declaratory ruling as to either the manner in which the rule applies to a given factual situation, if at all, or as to whether a particular rule of the Council is valid. Such persons may also request a declaratory ruling concerning the applicability to a given factual situation of a statute administered by the Council. All requests for declaratory rulings shall be submitted to the executive department responsible for administering the statute to which the rule relates. All such requests shall be in accordance with the administrative procedures of the responsible executive department. The chief executive officer of the responsible executive department shall respond to the request in accord with the applicable administrative procedures of the department. The chief executive officer of the responsible department shall also notify the Council of any such request received and the department's proposed disposition thereof. The Council may, in its discretion, review and amend any such proposed departmental declaratory rulings. In its determination whether to review, whether to amend, and how to amend the proposed declaratory ruling, the Council shall consider at least the following factors: whether there is authority to adopt the rule; the effect of the rule on existing rules, programs, and practices; probable costs and cost factors of the rule; and the impact of the rule on the public and regulated entities. It may also take such other action in regard thereto as it deems necessary.

History Note: *Authority G.S. 147-13; 150B-4;*
 Eff. August 1, 2026.

