

**System Office Leadership's Request to the State Board to Correct
3B SBCCC 400.2 – "Adoption of Temporary Rules"**

On 20 January 2017, the State Board of Community Colleges ("SBCC") initiated the rulemaking process to amend 3B SBCCC Subchapter 400 which included an amendment to 3B SBCCC 400.2 – "Adoption of Temporary Rules." The amendment would provide the SBCC with the authority to address serious or unforeseen circumstances in a more timely manner. After not receiving public comments or requests for a public hearing, the SBCC voted to amend 3B SBCCC 400.2 on 17 March 2017. However, the incorrect version of 3B SBCCC 400.2 – "Adoption of Temporary Rules" was provided to the SBCC on 17 March 2017. Therefore, the System Office Leadership is requesting the SBCC to correct 3B SBCCC 400.2 – "Adoption of Temporary Rules" with the attached version that should have been presented to the SBCC on 17 March 2017.



State Board of Community Colleges Code
TITLE 3 – RULEMAKING PROCESS AND CODIFICATION SYSTEM

CHAPTER B. RULEMAKING PROCESS

SUBCHAPTER 400. TEMPORARY RULES

3B SBCCC 400.2 Adoption of Temporary Rules

- (a) The SBCC has the authority to adopt a temporary rule or amend or repeal an existing rule on a temporary basis without prior notice or hearing or upon any abbreviated notice or hearing the SBCC finds practical at the SBCC meeting immediately following the event precipitating the need for a temporary rule.
- (b) The SBCC shall publish the temporary rule on the NCCCS website within five business days after the SBCC adopts the temporary rule or amend or repeal an existing rule on a temporary basis. A statement specifying the basis for adopting a temporary rule or amending or repealing an existing rule on a temporary basis rather than following the process for a permanent rule shall accompany the temporary rule when it is published on the NCCCS website.
- (c) The temporary rule expires on the earliest of the following dates:
 - (1) The date specified in the temporary rule.
 - (2) The effective date of the permanent rule adopted to replace the temporary rule.
 - (3) 180 calendar days from the date the temporary rule was published on the NCCCS website, unless the permanent rule has been submitted to the SBCC for initiation of the rulemaking process within the 180 calendar days from the date the temporary rule was published on the NCCCS website. If the permanent rule initiated to replace the temporary rule is not adopted by the SBCC within 90 calendar days from the date the SBCC initiated the permanent rulemaking process, the temporary rule shall expire 90 days from the date the SBCC initiated the permanent rulemaking process.

History Note: Authority G.S. 115D-5;

Eff. [June 1, 2014](#);

Amended Eff. [April 1, 2017](#).