



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

3
4 **CHAPTER B. RULEMAKING PROCESS**

5
6 **SUBCHAPTER 400. TEMPORARY RULES**

7
8 **3B SBCCC 400.1 Temporary Rule Standard**

9 The SBCC has the authority to adopt a temporary rule or amend or repeal an existing rule
10 on a temporary basis for the following reasons: ~~to comply with federal or state law, and~~
11 ~~federal or state law requires adoption in a time period less than the rulemaking time period~~
12 ~~allotted by the SBCC Code.~~

13 (a) To comply with federal or state law, and federal or state law requires adoption,
14 amendment, or repeal in a time period less than the rulemaking time period allotted
15 by the SBCC Code;

16 (b) To address a serious or unforeseen threat to the public health or safety; or

17 (c) To address an unforeseen circumstance where the State Board finds that adherence
18 to the notice and hearing requirements in the SBCC Code would be contrary to the
19 public interest of students or other community college stakeholders.

20
21 *History Note: Authority G.S. 115D-5;*

22 *Eff. ~~June 1, 2014.~~ June 1, 2014;*

23 *Amended Eff. April 1, 2017.*

24
25 **3B SBCCC 400.2 Adoption of Temporary Rules**

26 (a) The SBCC has the authority to adopt a temporary rule or amend or repeal an existing
27 rule on a temporary basis without prior notice or hearing or upon any abbreviated
28 notice or hearing the SBCC finds practical at the SBCC meeting immediately following
29 the event precipitating the need for a temporary rule.

30 (b) The SBCC shall publish the temporary rule on the NCCCS website within five
31 business days after the SBCC adopts the temporary rule or amend or repeal an

1 existing rule on a temporary basis. A statement specifying the basis for adopting a
2 temporary rule or amending or repealing an existing rule on a temporary basis rather
3 than following the process for a permanent rule shall accompany the temporary rule
4 when it is published on the NCCCS website.

- 5 (c) The temporary rule expires 60 calendar days from the date it was published on the
6 NCCCS website. If the temporary rule is to be effective beyond 60 calendar days from
7 the date it was published on the NCCCS website, the process for the permanent rule
8 must be initiated at the same time the SBCC adopts the temporary rule or amends or
9 repeals an existing rule on a temporary basis.

10
11 *History Note: Authority G.S. 115D-5;*

12 *Eff. ~~June 1, 2014.~~ June 1, 2014;*

13 *Amended Eff. April 1, 2017.*