

March 10, 2005

**H 550. SBE/COMM. COLLEGE/RULEMAKING. TO AUTHORIZE THE STATE BOARD OF EDUCATION AND THE STATE BOARD OF COMMUNITY COLLEGES TO IMPLEMENT AN EXPEDITED PROCEDURE FOR THE ADOPTION OF PERMANENT RULES.** Enacts new GS 150B-21.2A as title indicates. Authorizes Boards to shorten public comment period on permanent rules adopted under expedited procedure to 30 days (regular procedure for permanent rule adoption requires 60-day public comment period). Prohibits Boards from adopting a permanent rule earlier than 30 days after first Board meeting at which rule text was discussed. Provides that rules adopted under expedited procedure are not subject to review or approval by the Rules Review Comm'n and that rules become effective on the first day of the month following month Board adopts rule unless an earlier effective date is necessary to protect the public health, safety, or welfare. Persons aggrieved by rules adopted under expedited procedure may file a declaratory judgment action in Wake County Superior Court. Makes conforming changes. Effective October 1, 2005.

**Intro. by Tolson, England, Sauls.**

Ref. to Rules

GS 150B

May 31, 2005

**H 550. SBE/COMM. COLLEGE/RULEMAKING.** Intro. 3/10/05. House committee substitute makes the following changes to 1st edition. Deletes provision that Board may not adopt a permanent rule earlier than 30 days following the first Board meeting at which the proposed rule was discussed. Provides that permanent rules adopted by the Board become effective on the first day of the month following the month the rule is adopted (deletes exception that rule can become effective earlier if necessary to protect the public health, safety, or welfare). Also deletes provisions specifying that a person aggrieved by a rule adopted by the board in accordance with the new procedure may file a declaratory judgment action in Wake County Superior Court.