

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 633

Short Title: Stipulation for Final Decision by OAH. (Public)

Sponsors: Senators Nesbitt; Berger of Franklin, Clodfelter, Kinnaird, McKissick, and Snow.

Referred to: Judiciary I.

March 17, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL
3 DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS
4 BEEN AGREED UPON BY THE PARTIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 150B-36(c) reads as rewritten:

7 "(c) The following decisions made by administrative law judges in contested cases are
8 final decisions appealable directly to superior court under Article 4 of this Chapter:

- 9 (1) A determination that the Office of Administrative Hearings lacks
10 jurisdiction.
11 (2) An order entered pursuant to the authority in G.S. 7A-759(e).
12 (3) An order entered pursuant to a written prehearing motion that either
13 dismisses the contested case for failure of the petitioner to prosecute or
14 grants the relief requested when a party does not comply with procedural
15 requirements.
16 (4) An order entered pursuant to a prehearing motion to dismiss the contested
17 case in accordance with G.S. 1A-1, Rule 12(b) when the order disposes of all
18 issues in the contested case.
19 (5) An order entered pursuant to the authority in G.S. 150B-31(b) when the
20 stipulation or waiver confers final decision authority on the administrative
21 law judge."

22 **SECTION 2.** This act is effective when it becomes law and applies to contested
23 cases commenced on or after that date.

