

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-51
SENATE BILL 633**

AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL
DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS
BEEN AGREED UPON BY THE PARTIES.

The General Assembly of North Carolina enacts:

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

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

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

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

In the General Assembly read three times and ratified this the 28th day of May, 2009.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:52 p.m. this 1st day of June, 2009

