GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

S SENATE DRS55186-RO-3 (02/25)

(Public)

Stipulation for Final Decision by OAH.

requirements.

Short Title:

Sponsors: Senator Nesbitt.	
Referred to:	
A BILL TO BE ENTITLED	
AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE TH	HE FINAL
DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE C	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 contester	d cases are
final decisions appealable directly to superior court under Article 4 of this Chapter:	
(1) A determination that the Office of Administrative Heart	ings 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

(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.

dismisses the contested case for failure of the petitioner to prosecute or

grants the relief requested when a party does not comply with procedural

(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.

