


ADOPTED
NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 623

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H623-ARO-15 [v.4]

Page 1 of 1

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date 5/25, 2011

Representative Stevens

1 moves to amend the bill on page 3, lines 21 – 27, by rewriting the lines to read:

2 "The agency may elect to have the administrative law judge make (i) only findings of fact
3 and conclusions of law, (ii) findings of fact, conclusions of law, and a recommended decision,
4 or (iii) findings of fact, conclusions of law, and a final decision. The provisions of this Article,
5 rather than the provisions of Article 3, shall govern a contested case in which the agency
6 requests an administrative law judge from the Office of Administrative Hearings. Hearings,
7 except that if the agency requests only findings of fact and conclusions of law, or findings of
8 fact, conclusions of law, and a recommended decision, the agency may make its final decision
9 only after the administrative law judge's recommended decision is served on the parties, and an
10 opportunity is given to each party to file exceptions and to present oral and written arguments
11 to the agency. If the agency elects to have the administrative law judge make findings of fact,
12 conclusions of law, and a final decision, the decision of the administrative law judge shall be
13 binding on the agency.

14 ~~The administrative law judge assigned to hear a contested case under this Article shall sit in~~
15 ~~place of the agency and shall have the authority of the presiding officer in a contested case~~
16 ~~under this Article. The administrative law judge shall make a proposal for decision, which shall~~
17 ~~contain proposed findings of fact and proposed conclusions of law.~~

18 An administrative law judge may grant judgment on the pleadings, pursuant to a motion
19 made in accordance with G.S. 1A-1, Rule 12(c), or summary judgment, pursuant to a motion
20 made in accordance with G.S. 1A-1, Rule 56, that disposes of all issues in the contested case."

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SIGNED 
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 118-0EV FAILED _____ TABLED _____

MAY 25 2011



Kevin White