

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1069

Short Title: APA Petitions/Special Needs.

(Public)

Sponsors: Senators Wellons; Carter, Clodfelter, Dannelly, Garrou, Lucas, and
Martin of Guilford.

Referred to: Judiciary I.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE TIME LIMITATION ON FILING A PETITION IN
CONTESTED CASES WHEN THE SUBJECT MATTER OF THE HEARING IS
PROGRAMS AND SERVICES FOR CHILDREN WITH SPECIAL NEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 150B-23(f) reads as rewritten:

"(f) ~~Unless~~ Except as otherwise provided in this subsection, and unless another statute or a federal statute or regulation sets a time limitation for the filing of a petition in contested cases against a specified agency, the general limitation for the filing of a petition in a contested case is 60 days. Regarding the filing of a petition in a contested case where the subject matter of the impartial due process hearing is to be programs and services for children with special needs, the general limitation for the filing of a petition on that contested case is 180 days. The time limitation, whether established by another statute, federal statute, or federal regulation, or this section, shall commence when notice is given of the agency decision to all persons aggrieved who are known to the agency by personal delivery or by the placing of the notice in an official depository of the United States Postal Service wrapped in a wrapper addressed to the person at the latest address given by the person to the agency. The notice shall be in writing, and shall set forth the agency action, and shall inform the persons of the right, the procedure, and the time limit to file a contested case petition. When no informal settlement request has been received by the agency prior to issuance of the notice, any subsequent informal settlement request shall not suspend the time limitation for the filing of a petition for a contested case hearing."

SECTION 2. This act is effective when it becomes law.