

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1305\***

Short Title: Prgm Eval Study Agency Reversal ALJ Decision. (Public)

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Sponsors: Senator Nesbitt.

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Referred to: Rules and Operations of the Senate.

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May 20, 2010

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION  
2 OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION  
3 TO STUDY AGENCY REVERSAL OF ADMINISTRATIVE LAW JUDGE DECISIONS  
4 IN CHAPTER 150B CONTESTED CASES, AS RECOMMENDED BY THE JOINT  
5 LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH,  
6 DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.  
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8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** The Joint Legislative Program Evaluation Oversight Committee  
10 shall include in the 2010 Work Plan for the Program Evaluation Division of the General  
11 Assembly a study of Chapter 150B contested cases. The Division shall study the number of  
12 decisions rendered by administrative law judges that are overturned as a final agency decision.  
13 For these cases the Division shall evaluate the nature of the case, the basis of the reversal, the  
14 number of cases appealed to superior court and the results of those appeals.

15 **SECTION 1.(b)** The Program Evaluation Division shall submit its findings and  
16 recommendations to the Joint Legislative Program Evaluation Oversight Committee, the Joint  
17 Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance  
18 Abuse Services, and the Joint Legislative Administrative Procedure Oversight Committee at a  
19 date to be determined by the Joint Legislative Program Evaluation Oversight Committee.

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

