

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 692  
Second Edition Engrossed 5/8/89

Short Title: APA Hearing/DHR Exempt.

(Public)

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Sponsors: Representatives Flaherty; and Buchanan.

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Referred to: Human Resources.

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March 20, 1989

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT THE DEPARTMENT OF HUMAN RESOURCES AS  
2 REQUIRED BY FEDERAL LAW FROM THE STATE LAWS CONCERNING  
3 ADMINISTRATIVE HEARINGS.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 150B-1(d) reads as rewritten:

7 "(d) The following are specifically exempted from the provisions of this  
8 Chapter: the Administrative Rules Review Commission, the Employment Security  
9 Commission, the Industrial Commission, the Occupational Safety and Health Review  
10 Board in all actions that do not involve agricultural employers, and the Utilities  
11 Commission.

12 The North Carolina National Guard is exempt from the provisions of this Chapter in  
13 exercising its court-martial jurisdiction.

14 The Department of Human Resources is exempt from this Chapter in exercising its  
15 authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the  
16 General Statutes. The Department of Human Resources is also exempt from Article 3  
17 of this Chapter in complying with the procedural safeguards mandated by the Section  
18 680 of Part H of P.L. 99-457 as amended (Education of the Handicapped Act  
19 Amendments of 1986).

20 The Department of Correction is exempt from the provisions of this Chapter, except  
21 for Article 5 of this Chapter and G.S. 150B-13 which shall apply.

1 Articles 2 and 3 of this Chapter shall not apply to the Department of Revenue.  
2 Except as provided in Chapter 136 of the General Statutes, Articles 2 and 3 of this  
3 Chapter do not apply to the Department of Transportation.

4 Article 4 of this Chapter, governing judicial review of final administrative decisions,  
5 shall apply to The University of North Carolina and its constituent or affiliated boards,  
6 agencies, and institutions, but The University of North Carolina and its constituent or  
7 affiliated boards, agencies, and institutions are specifically exempted from the  
8 remaining provisions of this Chapter. Article 4 of this Chapter shall not apply to the  
9 State Banking Commission, the Commissioner of Banks, the Savings and Loan Division  
10 of the Department of Commerce, and the Credit Union Division of the Department of  
11 Commerce.

12 Article 3 of this Chapter shall not apply to agencies governed by the provisions of  
13 Article 3A of this Chapter, as set out in G.S. 150B-38(a).

14 Articles 3 and 3A of this Chapter shall not apply to the Governor's Waste  
15 Management Board in administering the provisions of G.S. 104E-6.2.

16 Article 2 of this Chapter shall not apply to the North Carolina Low-Level  
17 Radioactive Waste Management Authority in administering the provisions of G.S.  
18 104G-10 and G.S. 104G-11. Articles 3 and 3A of this Chapter shall not apply to the  
19 North Carolina Low-Level Radioactive Waste Management Authority in administering  
20 the provisions of G.S. 104G-9, 104G-10, and 104G-11."

21 Sec. 2. This act shall become effective October 1, 1989.