

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 842

Short Title: APA Petitions/Special Needs.

(Public)

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Sponsors: Senators Wellons; Dalton and Garrou.

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Referred to: Judiciary I.

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April 13, 1999

A BILL TO BE ENTITLED

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

4 The General Assembly of North Carolina enacts:

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

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

4 Section 2. This act is effective when it becomes law.