



2021-2022 General Assembly

# HOUSE BILL 103: 2022 Appropriations Act, Sec. 21.1: Office of Administrative Hearings Staffing Flexibility

**Committee:**  
**Introduced by:**  
**Analysis of:** Sec. 21.1 of S.L. 2022-74

**Date:** August 3, 2022  
**Prepared by:** Hillary Woodard  
Staff Attorney

**OVERVIEW:** *Sec. 21.1 of S.L. 2022-74 provides the Chief Administrative Law Judge the same authority granted each head of a principal State department. Subject to the State Budget Act and the North Carolina Human Resources Act, the Chief Administrative Law Judge of the Office of Administrative Hearings may do the following:*

- *Create necessary subordinate positions and appoint and remove employees appointed to those subordinate positions.*
- *Supervise, direct, and control all employees within the Office of Administrative Hearings.*
- *Transfer officers and employees within offices as determined necessary by the Chief Administrative Law Judge.*
- *Change the duties, titles, and compensation of existing offices as determined necessary by the Chief Administrative Law Judge.*

*This section became effective July 1, 2022.*

**CURRENT LAW AND BILL ANALYSIS:** Under current law, the General Assembly determines the number of administrative law judges and the number of employees for the Office of Administrative Hearings. The Chief Administrative Law Judge then appoints individuals to serve as administrative law judges in accordance with the number of positions authorized by the General Assembly.

Sec. 21.1 of S.L. 2022-74 provides the Chief Administrative Law Judge the same authority as granted to the head of a principal State department for matters relating to the Office of Administrative Hearings. A principal State department is defined as one of the departments created by the General Assembly in compliance with Article III, Sec. 11, of the NC Constitution. (G.S. 143B-3) Principal departments include the following: Department of Natural and Cultural Resources, Department of Health and Human Services, Department of Revenue, Department of Public Safety, Department of Environmental Quality, Department of Transportation, Department of Administration, Department of Commerce, Community Colleges System Office, Department of Information Technology, and Department of Military and Veteran Affairs. (G.S. 143B-6)

According to G.S. 143B-10, the head of each principal State department has the authority to:

- Establish necessary subordinate positions within the department and appoint and remove employees appointed to those positions, subject to the limitations of appropriations and subject to the State Budget Act and the North Carolina Human Resources Act.

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# House Bill 103

*Page 2*

- Supervise, direct, and control all employees within the principal State department.
- Establish or abolish positions, transfers officers and employees between positions, and change the duties, titles, and compensation of existing offices and positions as the principal head of the department determines necessary for efficient functioning of the department, subject to the State Budget Act and the North Carolina Human Resources Act.

**EFFECTIVE DATE:** This section became effective July 1, 2022.