



N.C. Administrative Law

Background Information

Agencies are part of the executive branch of the government. They are given the power to make law through rule-making and the power to resolve disputes through administrative adjudication, as well as the power to enforce their laws and decisions.

The vast majority of agencies in North Carolina are subject to both the Federal and North Carolina Administrative Procedure Acts (APA). The North Carolina APA is found in Chapter 150B of the North Carolina General Statutes. Article 2A contains the requirements for rule-making, which include comment and notice before adoption of a permanent rule. Articles 3 and 3A contain the requirements for administrative proceedings.

Helpful Background Reading

The following resources may provide useful background information on agency rule-making and decision-making.

[The North Carolina Office of Administrative Hearings](#) (NC OAH) provides a general overview of NC's Office of Administrative Hearings and provides many useful links to administrative materials and information.

[Rule Making in North Carolina](#) (2005), by Richard B. Whisnant, provides in-depth background on agency rule-making and describes where rules can be found. [[KFN7840 .W55 2005](#)]

[Legal Research in North Carolina](#) (James C. Ray, ed., 2006), by Miriam J. Baer, provides a short background on agency rule-making and decision-making functions, describes where to find rules and decisions, and how to cite to them. [[KFN7475 .B34 2006](#)]

[North Carolina Legal Research](#) (Suzanne E. Rowe, ed., 2010), by Scott Childs, provides background on agency rule-making and decision-making functions and describes the best places and processes to find rules and decisions depending on what is known. [[KFN7475 .C48 2010](#)]

[North Carolina Legal Research Guide](#) (2nd ed., 2009), by Scott Childs & Nick Sexton, provides in-depth background and history on rule-making and describes where to find rules and related documents. Also provides background on decision-making and describes where to find administrative decisions and executive documents. [[KFN7475 .K37 2009](#)]

Administrative Rules

North Carolina Administrative Code

The North Carolina Administrative Code (NCAC) is the official publication that sets out what rules have been adopted. It includes 30 titles organized by subject matter.

Rules prior to 1985 are difficult to locate. Sometime after the court case of *Orange Co. v. Dept. of Transp.*, 46 N.C. App 350 (1980), the NCAC was published in microfiche only. It was first published in paper in March 1987.

[The North Carolina Office of Administrative Hearings](#) makes the current version of the NCAC available online. The website is updated weekly. You can search by citation or keyword in the title or full text and browse by title. Subchapters and rules are available in HTML, PDF or Microsoft Word.

[WestlawNext](#) and [Lexis Advance](#) both contain current versions of the NCAC. [Westlaw Next](#) also has historical codes available beginning in 2002.

Individual agency websites may have the rules they promulgated available online.

The NCAC is available in the library [[KFN7435 1998 .A26](#)]. From 1994 to 1997, it was published in looseleaf by Barclays Law Publishers [[KFN7435 1995 .A25](#)]. From 1987 to 1994, it was published by NC OAH [[KFN7435 1987 .A25](#)]. The library has a microfiche collection of NCAC beginning in 1981 [[KFN7435 1981 .A25](#)].

North Carolina Register

The North Carolina Register is a primary & statutorily authorized publication in which notices of rule-making proceedings, texts of proposed rules, and final actions on rules are included.

It contains text of proposed rules, permanent rules approved by the Rules Review Commission, temporary rules entered into the NCAC, emergency rules entered into NCAC, executive orders of the Governor, and an index to published, contested admin decisions issued by NC OAH. It also contains information relating to agency rulemaking, executive orders, contested case decisions & other notices by or affecting Chapter 150B of the general statutes.

The NC Register did not begin publication until April 1986. Each volume covers one fiscal year (July 1-June 30). It is published twice a month.

[The North Carolina Office of Administrative Hearings](#) makes volumes for current and previous fiscal years available online in PDF and docx formats. Additionally, archived Volumes 1-25 are available in PDF. Volumes 1-14 were digitized by the UNC Law Library and the UNC Law Library digitized copies were provided to the NC OAH.

[WestlawNext](#) and [Lexis Advance](#) include copies of the NC Register. [WestlawNext](#) has coverage beginning with Volume 16, Issue 9 (from November 1, 2001). [Lexis Advance](#) has coverage beginning with Volume 22, Issue 13 (from January 1, 1998).

Scanned copies of the NC Register are available on the [Internet Archive](#) (from April 15, 1986-June 15, 2001) and the [NC Digital Collections](#) (from July 2, 2001-November 1, 2011).

The North Carolina Register is available in the law library [[KFN7434.A2 N67](#)].

North Carolina Office of Administrative Hearings Rules Division

The [NC OAH Rules Division](#) webpage includes additional resources related to North Carolina administrative rules. [Commission Meetings](#) from the Rules Review Commission are available on the NC OAH website beginning in June 2005. [Forms](#) for rule making are available on the NC OAH website in PDF and .doc format. [Reports](#) of rules already filed and [rule making coordinator information](#) are also available on the website.

Administrative Decisions

Prior to 1998, NC OAH maintains a paper copy of administrative decisions back to January 1986 when NC OAH was established.

Beginning in 1998, most administrative decisions have been published annually as a separate volume of the NCAC each year, beginning at Volume 21. The volumes include the full text of all administrative decisions released for publication, as well as the ALJ recommended decisions and all final agency decisions submitted to the OAH. The decisions are organized by month. Within each volume, at the end of each month's decisions, is a list of decisions reported that month without published opinions.

Decisions are available from the [NC OAH Hearings Division](#), where you can browse online by agency, then by year. There is no search capability. The years available vary by agency, but none go back further than 2001. Entries include the docket number, case name, and ALJ, and sometimes a link to the full text of the decision.

WestlawNext has a combination of administrative decisions & guidance available, while Lexis Advance offers a combination of administrative decisions & attorney general opinions.

Individual agency may have their own reporters or they may make decisions available online through their individual websites.

Decisions are also available in the library as part of the NCAC from 1998 to present [[KFN7435 1998 .A26](#)]. Decisions from 1995 to 1998 were published by Barclays Law Publishers [[KFN7840 .A557](#)].

Executive Documents

N.C. Gen. Stat. § 121-6(b) requires the governor to collect a copy of all official releases and papers and deliver them to the Department of Cultural Resources for editing and publication.

There has been a [joint project](#) by the State Library of NC and NC State Archives to capture NC state government websites since April 2006.

Executive documents can be located on the [Executive Orders and Proclamations](#) page of the State of North Carolina Governor's website.

Executive orders are also required to be published in the NC Register (1984 - present) [[KFN7434.A2 N67](#)]. The NC Register can also be found electronically through the [NC OAH](#). Older volumes can be [found digitized through the library](#).

Executive orders from 1977-1984 (issued before the creation of the NC Register and NC Administrative Code) can be found in the North Carolina session laws. NC Session laws are available in [Hein Online](#) , the [Internet Archive](#), or in [print microfiche](#) .

For the past 150 years, governors' papers have been published intermittently. Typically, they contain correspondence and texts of speeches rather than official documents. They have various titles, such as "Paper of..." "Public Papers and Letters of..." or "Letter and Papers of..." Since 1933, the publications have more consistently been called "Addresses and Papers of Governor..." To find these papers in the library, search the catalog or browse the library stacks around call number J87 .N81

State Agencies

Additional research into administrative law may be conducted through individual administrative agency websites. A list of North Carolina agencies with links to their websites can be found at the [North Carolina Office of Administrative Hearings](#) and [NC.gov](#).

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