

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1242
SENATE BILL 706

AN ACT TO AMEND THE NORTH CAROLINA HEALTH PLANNING AND RESOURCE DEVELOPMENT ACT OF 1978 CONCERNING EXEMPTIONS.

The General Assembly of North Carolina enacts:

Section 1. (a) Section 4 of Chapter 1182, Session Laws of 1977 (Second Session 1978) is amended by adding immediately after the third paragraph the following new paragraph:

"Provided, that, notwithstanding the previous two paragraphs, this act shall apply to any project described in either of those two paragraphs or exempt from this act because construction had commenced prior to June 16, 1978, unless, prior to January 1, 1983:

- (1) sufficient land has been acquired for the project;
- (2) all necessary building permits and zoning or subdivision approval has been obtained;
- (3) a construction contract has been awarded and payments have been made on the construction contract; and
- (4) either foundation walls for the project have been raised above grade level, or if a building or buildings existed on that site on January 1, 1983, a contract has been signed to raze them and total or partial demolition has taken place.

Provided further, that this paragraph does not apply to any project required to be licensed under Article 13A of Chapter 131 of the General Statutes."

(b) Any beds released as a result of tests set forth in subsection (a) of this section shall be placed in a statewide pool, from which allocations can be made, with first priority being given to those counties which do not have at least one skilled care or one intermediate care facility."

Sec. 2. If any section or provision of this act is declared unconstitutional or invalid by the courts, the decision of the court shall not affect the validity of the act as a whole or the validity of any part other than the part declared to be unconstitutional or invalid.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.