

GENERAL ASSEMBLY OF NORTH CAROLINA  
1983 SESSION

CHAPTER 1000  
SENATE BILL 742

AN ACT TO MAKE FINAL AGENCY DECISIONS ON CERTIFICATES OF NEED  
APPEALABLE TO THE NORTH CAROLINA COURT OF APPEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-188(b) is rewritten to read:

"(b) Any affected person who was a party in a contested case hearing shall be entitled to judicial review of all or any portion of any final decision of the Department in the following manner. The appeal shall be to the Court of Appeals as provided in G.S. 7A-29(a). The procedure for the appeal shall be as provided by the rules of appellate procedure. The appeal of the final decision of the Department shall be taken within 30 days of the receipt of the written notice of decision required by G.S. 131E-187 and notice of appeal shall be filed with the Division of Facilities Services, Department of Human Resources and with all other affected persons who were parties to the contested hearing."

Sec. 2. G.S. 7A-29(a) is amended by inserting immediately after the words "not governed by subsection (b)" the words ", the Department of Human Resources pursuant to G.S. 131E- 188(b),".

Sec. 3. The first sentence of G.S. 131E-191(b) is rewritten to read:

"An action brought by a 'party' as defined in G.S. 150A-2(5), except any 'affected person' who was a party to a contested case hearing who must bring an action in the North Carolina Court of Appeals pursuant to G.S. 131E-188(b), who has exhausted all administrative remedies made available to that party by statute or rules and regulations, may be brought in the Superior Court of Wake County at any time after a final decision by the Department."

Sec. 4. This act shall become effective October 1, 1984, but shall not affect any appeal for which notice of appeal was filed prior to the effective date of this statute.

In the General Assembly read three times and ratified, this the 27th day of June, 1984.