

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 929  
Senate Judiciary I Committee Substitute Adopted 7/11/91

Short Title: Technical Corrections.

(Public)

Sponsors:

Referred to:

April 19, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO  
3 THE LAW.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 1-567.58(c), as enacted by Section 1 of Chapter 292 of the  
6 1991 Session Laws, reads as rewritten:

7 "(c) The arbitral tribunal shall decide **ex aequo et bono** (on the basis of  
8 fundamental fairness), or as **amiable compositeur** (as an 'amicable ~~compounder~~;  
9 compounder'), only if the parties have expressly authorized it to do so."

10 Sec. 2. G.S. 7A-38(h), as enacted by Section 1 of Chapter 207 of the 1991  
11 Session Laws, reads as rewritten:

12 "(h) Sanctions. Upon failure of a party or attorney to attend a court ordered  
13 mediated settlement conference to the extent required by this section and rules  
14 promulgated by the Supreme Court, a resident or presiding judge may impose any  
15 lawful sanction, including but not limited to the payment of ~~attorneys~~attorneys' fees,  
16 mediator fees, and expenses incurred in attending the conference, contempt, or any  
17 other sanction authorized by G.S. 1A-1, Rule 37(b)."

18 Sec. 3. G.S. 7A-451.1 reads as rewritten:

19 "**§ 7A-451.1. Counsel fees for outpatient involuntary commitment proceedings.**

20 The State shall pay counsel fees for persons appointed pursuant to ~~G.S. 122-58.7A:1-~~  
21 G.S. 122C-267(d)."

22 Sec. 4. 7A-455(d) reads as rewritten:

1       "(d) In all cases in which the entry of a judgment is authorized under G.S. 7A-  
2 450.1 through G.S. 7A-450.4 or under this section, the attorney, guardian **ad litem**,  
3 public defender, or appellate defender who rendered the services or incurred the  
4 expenses for which the judgment is to be entered shall obtain the social security  
5 number, if any, of each person against whom judgment is to be entered. This number,  
6 or a certificate that the person has no social security number, shall be included in each  
7 fee application submitted by an assigned attorney, guardian **ad litem**, public defender,  
8 or appellate defender, and no order for payment entered upon an application which does  
9 not include the required social security number or certification shall be valid to  
10 authorize payment to the applicant from the Indigent Persons' Attorney Fee Fund. Each  
11 judgment docketed against any person under this section or under ~~G.S. 450.3~~ G.S. 7A-  
12 450.3 shall include the social security number, if any, of the judgment debtor."

13               Sec. 5. G.S. 20-37.6(e), as amended by Section 4 of Chapter 530 of the 1991  
14 Session Laws, reads as rewritten:

15       "(e) Enforcement of Handicapped Parking Privileges. – It shall be unlawful:

- 16       (1) To park or leave standing any vehicle in a space designated with a sign  
17 pursuant to subsection (d) of this section for handicapped persons or  
18 visually impaired persons when the vehicle does not display the  
19 distinguishing license plate, placard, or identification card as provided  
20 in this section or a disabled veteran registration plate issued pursuant  
21 to ~~G.S. 20-81.4~~; G.S. 20-81.4;
- 22       (2) For any person not qualifying for the rights and privileges extended to  
23 handicapped or visually impaired persons under this section to exercise  
24 or attempt to exercise such rights or privileges by the unauthorized use  
25 of a distinguishing license plate, placard, or identification card issued  
26 pursuant to the provisions of this section;
- 27       (3) To park or leave standing any vehicle so as to obstruct a curb ramp or  
28 curb cut for handicapped persons as provided for by the North  
29 Carolina Building Code or as designated in G.S. 136-44.14;
- 30       (4) For those responsible for designating parking spaces for the  
31 handicapped to erect or otherwise use signs not conforming to G.S. 20-  
32 37.6(d) for this purpose.

33       This section is enforceable in all public vehicular areas specified in G.S. 20-  
34 4.01(32)."

35               Sec. 6. G.S. 20-117.1(a), as amended by Section 1 of Chapter 113 of the  
36 1991 Session Laws, reads as rewritten:

37       "(a) Rear-Vision Mirrors. – Every bus, truck, and truck tractor with a GVWR of  
38 10,001 pounds or more shall be equipped with two rear-vision mirrors, one at each side,  
39 firmly attached to the outside of the motor vehicle, and located as to reflect to the driver  
40 a view of the highway to the rear and along both sides of the vehicle. Only one outside  
41 mirror shall be required, on the driver's side, on trucks which are so constructed that the  
42 driver also has a view to the rear by means of an interior mirror. In driveway-towaway  
43 operations, a driven vehicle shall have at least one mirror furnishing a clear view to the

1 rear, and if the interior mirror does not provide the clear view, an additional mirror shall  
2 be attached to the left side of the driven vehicle to provide the clear view to the rear."

3           Sec. 7. G.S. 20-183.2(a), as amended by Section 1 of Chapter 394 of the  
4 1991 Session Laws, reads as rewritten:

5           "(a) Every motor vehicle, trailer, semitrailer, and pole trailer not including trailers  
6 of a gross weight of less than 4,000 pounds and house trailers, registered or required to  
7 be registered in North Carolina when operated on the streets and highways of this State  
8 must display a current approved State or federal inspection certificate as required by the  
9 Federal Motor Carrier Safety Regulations at such place on the vehicle as may be  
10 designated by the Commissioner, indicating that it has been inspected in accordance  
11 with this Part. Gasoline-powered vehicles over 26,001 pounds shall be subject to  
12 emission control device and exhaust emission testing required under G.S. 20-128.2.  
13 Such motor vehicle shall thereafter be inspected and display a current inspection  
14 certificate as is required by subsection (b) hereof."

15           Sec. 8. All of the matter set out in G.S. 47D-6 and G.S. 47D-9, as enacted by  
16 Section 1 of Chapter 261 of the 1991 Session Laws, is new law.

17           Sec. 9. G.S. 47D-8(a), as enacted by Section 1 of Chapter 261 of the 1991  
18 Session Laws, reads as rewritten:

19           "(a) The notice of settlement shall be effective as provided in ~~G.S. 47D-7(a)~~ G.S.  
20 47D-7 from the time of, and for three business days following the day of, filing of the  
21 notice of settlement pursuant to this Chapter. If the deed or mortgage delivered  
22 pursuant to a settlement for which the notice was filed has not been properly registered  
23 in the county where the real property is situated within the three business day period, the  
24 notice of settlement shall become absolutely void, and the priority of the grantee or  
25 mortgagee under the deed or mortgage registered subsequent to said three business day  
26 period shall date from the time of registration of the deed or mortgage, and not from the  
27 time of the filing of the notice of settlement."

28           Sec. 10. G.S. 58-50-125(e), as enacted by Section 1 of Chapter 630 of the  
29 1991 Session Laws, reads as rewritten:

30           "(e) No small employer carrier is required to offer coverage or accept applications  
31 under subsection (d) of this section:

- 32           (1) From a group already covered under a health benefit plan except for  
33 coverage that is to begin after the group's anniversary date, but this  
34 subsection shall not be construed to prohibit a group from seeking  
35 coverage or a small employer carrier from issuing coverage to a group  
36 before its anniversary date; or
- 37           (2) If the Commissioner determines that acceptance of an application or  
38 applications would result in the carrier being declared an impaired  
39 insurer; or
- 40           (3) To groups of fewer ~~that~~ than five eligible employees where the small  
41 employer carrier does not use preexisting-conditions provisions in all  
42 health benefit plans it issues to any small employers.

1 If a small employer carrier who does not use preexisting conditions chooses to market to  
2 groups of less than five, then it shall immediately notify the Commissioner and the  
3 Board, and it shall do so consistently and equally to all such small employer groups."

4 Sec. 11. G.S. 58-64-35(a)(2), as rewritten by Section 6 of Chapter 196 of the  
5 1991 Session Laws, reads as rewritten:

6 "(2) ~~that~~—The remaining seventy-five percent (75%) of escrowed monies  
7 can be released when:

- 8 a. (i) the provider has presold a minimum of seventy-five percent  
9 (75%) of the independent living units, having received a  
10 minimum ten percent (10%) deposit on the presold units, or has  
11 maintained an independent living unit occupancy minimum of  
12 seventy-five percent (75%) for at least 60 days; (ii) construction  
13 or purchase of the independent living unit has been completed  
14 and an occupancy permit, if applicable, has been issued by the  
15 local government having authority to issue such permits; and  
16 (iii) the living unit becomes available for occupancy by the new  
17 resident; or  
18 b. the provider submits a plan of reorganization that is accepted  
19 and approved by the Commissioner."

20 Sec. 12. G.S. 58-64-35(c), as enacted by Section 6 of Chapter 196 of the  
21 1991 Session Laws, reads as rewritten:

22 "(c) Release of any escrowed funds that may be due to the subscriber or resident  
23 shall occur upon: five working days ~~days~~' notice of death, nonacceptance by the facility,  
24 or voluntary cancellation. If voluntary cancellation occurs after construction has begun,  
25 the refund may be delayed until a new subscriber is obtained for that specific unit,  
26 provided it does not exceed a period of two years."

27 Sec. 13. G.S. 87-21(e), as amended by Section 1 of Chapter 355 of the 1991  
28 Session Laws, reads as rewritten:

29 "(e) Posting License; License Number on Contracts, etc. – The current license  
30 issued in accordance with the provisions of this Article shall be posted in the business  
31 location of the licensee, and its number shall appear on all proposals or contracts and  
32 requests for permits issued by municipalities. The initial qualified licensee on a license  
33 is the permanent possessor of the license number under which that license is issued,  
34 except that a licensee, or the licensee's legal agent, personal representative, heirs or  
35 assigns, may designate in writing to the Board a qualified licensee to whom the Board  
36 shall assign the license number upon the payment of a ten dollars ~~dollar~~ (\$10.00)  
37 assignment fee. Upon such assignment, the qualified licensee becomes the permanent  
38 possessor of the assigned license number. Notwithstanding the foregoing, the license  
39 number may be assigned only to a qualified licensee who has been employed by the  
40 initial licensee's plumbing and heating company for at least 10 years or is a lineal  
41 relative, sibling, first cousin, nephew, niece, daughter-in-law, son-in-law, brother-in-  
42 law, or sister-in-law of the initial licensee. Each successive licensee to whom a license  
43 number is assigned under this subsection may assign the license number in the same  
44 manner as provided in this subsection."

1           Sec. 14. G.S. 90-270.15(a), as amended by Section 1 of Chapter 239 of the  
2 1991 Session Laws, reads as rewritten:

3           "(a) Any applicant for licensure and any person licensed under this Article shall  
4 have behaved in conformity with the ethical and professional standards specified in this  
5 section and in the rules and regulations of the Board. The Board may deny, suspend,  
6 revoke, discipline, place on probation, limit, or require remediation or rehabilitation, all  
7 as provided for in subsection (f) below, upon proof that the applicant or the person to  
8 whom the ~~licenses~~ license was issued:

- 9           (1) Has been convicted of a felony or entered a plea of guilty or **nolo**  
10           **contendere** to any felony charge;
- 11           (2) Has been convicted of or entered a plea of guilty or **nolo contendere**  
12           to any misdemeanor involving moral turpitude, misrepresentation or  
13           fraud in dealing with the public, or conduct otherwise relevant to  
14           fitness to practice psychology, or a misdemeanor charge reflecting the  
15           inability to practice psychology with due regard to the health and  
16           safety of clients or patients;
- 17           (3) Has engaged in fraud or deceit in securing or attempting to secure a  
18           license under this Article or the renewal thereof or has willfully  
19           concealed from the Board material information in connection with  
20           application for or renewal of a license under this Article;
- 21           (4) Repealed by Session Laws 1991, c. 239, s. 1.
- 22           (4a) Has demonstrated an inability to practice psychology with reasonable  
23           skill and safety by reason of illness, inebriation, misuse of drugs,  
24           narcotics, alcohol, chemicals, or any other substance affecting mental  
25           or physical functioning, or as a result of any mental or physical  
26           condition;
- 27           (5) Has practiced any fraud, deceit, or misrepresentation upon the public,  
28           the Board, or upon any individual in connection with the practice of  
29           psychology, the offer of psychological services, the filing of Medicare,  
30           Medicaid, or other claims to any third party payor, or in any manner  
31           otherwise relevant to fitness for the practice of psychology;
- 32           (6) Has made fraudulent, misleading, or intentionally or materially false  
33           statements pertaining to education, licensure, professional credentials,  
34           or related to qualifications or fitness for the practice of psychology to  
35           the public, any individual, the Board, or any other organization;
- 36           (7) Has had a license or certification for the practice of psychology in any  
37           other state, or territory of the United States, or any other country,  
38           suspended or revoked, or has been disciplined by any other state or  
39           territorial licensing or certification board for conduct which would  
40           subject him to discipline under this Article;
- 41           (8) Has been guilty of immoral, dishonorable, unprofessional, or unethical  
42           conduct as defined in this subsection, in subsection (a1) below, or in  
43           the then-current code of ethics of the American Psychological  
44           Association, except as the provisions of such code of ethics may be

1 inconsistent and in conflict with the provisions of this Article, in which  
2 case, the provisions of this Article control;

3 (9) Has violated any provision of this Article or of the duly adopted rules  
4 and regulations of the Board; or

5 (10) Repealed by Session Laws 1991 c. 239, s. 1.

6 (10a) Has aided or abetted the unlawful practice of psychology by any  
7 person not licensed by the Board."

8 Sec. 15. G.S. 90-270.15(a1), as amended by Section 1 of Chapter 239 of the  
9 1991 Session Laws, reads as rewritten:

10 "(a1) The Board may deny licensure, and discipline or require remediation and  
11 rehabilitation, or any combination thereof, as specified in subsections (a) above and (e)  
12 below, upon proof of immoral, dishonorable, unprofessional, or unethical conduct.  
13 Immoral, dishonorable, unprofessional, or unethical ~~conduct~~, conduct has occurred  
14 whenever any person who has applied for or has been issued a license under this Article  
15 has engaged in any of the following acts or offenses:

16 (1) Practiced psychology in such a manner as to endanger the welfare of  
17 clients or patients;

18 (2) Harassed or abused, sexually or otherwise, a client, patient, student,  
19 supervisee, or trainee;

20 (3) Exercised undue influence in such a manner as to exploit the client,  
21 patient, student, supervisee, or trainee for the financial or other  
22 personal advantage or gratification of the psychologist or a third party;

23 (4) Refused to appear before the Board after having been ordered to do so  
24 in writing by the Chair;

25 (5) Failed to cooperate with or to respond promptly, completely, and  
26 honestly to the Board, to credentials committees, or to ethics  
27 committees of professional psychological associations, hospitals, or  
28 other health care organizations or educational institutions when those  
29 organizations or entities have jurisdiction; or failed to cooperate with  
30 institutional review boards or professional standards review  
31 organizations, when those organizations or entities have ~~jurisdiction~~  
32 jurisdiction;

33 (6) Failed to maintain a clear and accurate case record which documents  
34 the following for each patient or client:

35 a. Presenting problems, diagnosis, or purpose of the evaluation,  
36 counseling, treatment, or other services provided;

37 b. Fees, dates of services, and itemized charges;

38 c. Summary content of each session of evaluation, counseling,  
39 treatment, or other services, except that summary content need  
40 not include specific information that may cause significant  
41 harm to any person if the information were released;

42 d. Test results or other findings, including basic test data; and

43 e. Copies of all reports prepared;

- 1 (7) Failed to competently use, administer, score, or interpret psychological  
2 assessment techniques, including interviewing and observation, or  
3 provided findings or recommendations which do not accurately reflect  
4 the assessment data, or exceed what can reasonably be inferred,  
5 predicted, or determined from test, interview, or observational data;
- 6 (8) Failed to provide competent diagnosis, counseling, treatment,  
7 consultation, or supervision, in keeping with standards of usual and  
8 customary practice in this State;
- 9 (9) In the absence of established standards, failed to take all reasonable  
10 steps to ensure the competence of services;
- 11 (10) Failed to cooperate with other psychologists or other professionals to  
12 the potential or actual detriment of clients, patients, or other recipients  
13 of service, or behaved in ways which substantially impede or impair  
14 other psychologists' or other professionals' abilities to perform  
15 professional duties; or
- 16 (11) Practiced psychology or conducted research outside the boundaries of  
17 demonstrated competence or the limitations of education, training, or  
18 supervised experience."

19 Sec. 16. G.S. 90-270.15(g), as amended by Section 1 of Chapter 239 of the  
20 1991 Session Laws, reads as rewritten:

21 "(g) When considering the issue of whether or not an applicant or licensee is  
22 physically or mentally capable of practicing psychology with reasonable skill and safety  
23 to patients or clients, then, upon a showing of probable cause to the Board that the  
24 applicant or licensee is not capable of practicing psychology with reasonable skill and  
25 safety to patients or clients, the Board may petition a court of competent jurisdiction to  
26 order the applicant or licensee in question to submit to a psychological examination by a  
27 psychologist to determine psychological status or a physical examination by a physician  
28 to determine physical condition, or both. Such psychologist or physician, shall be  
29 designated by the court. The expenses of such examinations shall be borne by the  
30 Board. Where the applicant or licensee raises the issue of mental or physical  
31 competence or appeals a decision regarding mental or physical competence, the  
32 applicant or licensee shall be permitted to obtain an evaluation at the ~~applicant~~  
33 applicant's or licensee's expenses. If the Board suspects the objectivity or adequacy of  
34 the examination, the Board may compel an examination by its designated practitioners  
35 at its own expense."

36 Sec. 17. G.S. 95-138(a), as amended by Section 1 of Chapter 329 of the 1991  
37 Session Laws, reads as rewritten:

38 "(a) Any employer who willfully or repeatedly violates the requirements of this  
39 Article, any standard, rule or order promulgated pursuant to this Article, or regulations  
40 prescribed pursuant to this Article, may upon the recommendation of the Director to the  
41 Commissioner be assessed by the Commissioner a civil penalty of not more than  
42 seventy thousand dollars (\$70,000) and not less than five thousand dollars (\$5,000) for  
43 each willful violation. Any employer who has received a citation for a serious violation  
44 of the requirements of this Article or any standard, rule, or order promulgated under this

1 Article or of any regulation prescribed pursuant to this Article, shall be assessed by the  
2 Commissioner a civil penalty of up to seven thousand dollars (\$7,000) for each such  
3 violation. If the violation is adjudged not to be of a serious nature, then the employer  
4 may be assessed a civil penalty of up to seven thousand dollars (\$7,000) for each such  
5 violation. Any employer who fails to correct a violation for which a citation has been  
6 issued under this Article within the period allowed for its correction (which period shall  
7 not begin to run until the date of the final order of the Board in the case of any appeal  
8 proceedings in this Article initiated by the employer in good faith and not solely for the  
9 delay or avoidance of penalties), may be assessed a civil penalty of not more than seven  
10 thousand dollars (\$7,000). Such assessment shall be made to apply to each day during  
11 which such failure or violation continues. Any employer who violates any of the  
12 posting requirements, as prescribed under the provision of this Article, shall be assessed  
13 a civil penalty of not more than seven thousand dollars (\$7,000) for such violation. The  
14 Commissioner upon recommendation of the Director, or the Board in case of an appeal,  
15 shall have authority to assess all civil penalties provided by this Article, giving due  
16 consideration to the appropriateness of the penalty with respect to the size of the  
17 business of the employer being charged, the gravity of the violation, the good faith of  
18 the employer and the record of previous violations."

19 Sec. 18. G.S. 105-102.6(c), as enacted by Section 2 of Chapter 539 of the  
20 1991 Session Laws, reads as rewritten:

21 "(c) Minimum Recycled Content Percentage. The recycled content percentage of  
22 every person engaged in the business of publishing or printing publications printed on  
23 newsprint consumed by a producer shall equal or exceed the following minimum  
24 recycled content ~~percentages~~ percentages:

25 During 1991 and 1992, twelve percent (12%).

26 During 1993, fifteen percent (15%).

27 During 1994, twenty percent (20%).

28 During 1995, twenty-five percent (25%).

29 During 1996, thirty percent (30%).

30 During 1997, thirty-five percent (35%).

31 After 1997, forty percent (40%)."

32 Sec. 19. G.S. 105-445, as amended by Sections 16, 18, and 20 of Chapter  
33 538 of the 1991 Session Laws, reads as rewritten:

34 "**§ 105-445. Application of proceeds of gasoline tax.**

35 Of the revenue collected under this Article, seventy-five percent (75%) shall be  
36 credited to the Highway Fund and the remaining twenty-five percent (25%) shall be  
37 credited to the Highway Trust Fund. A proportionate share of a refund allowed under  
38 this Article shall be charged to ~~the~~ the Highway Fund and the Highway Trust Fund. The  
39 Secretary shall credit revenue or charge refunds to the appropriate Funds on a monthly  
40 basis."

41 Sec. 20. G.S. 113A-226(a), as enacted by Section 1 of Chapter 132 of the  
42 1991 Session Laws, reads as rewritten:

43 "(a) Any person who violates this Article or any rule adopted pursuant to this  
44 Article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less



1 than fifty dollars (\$50.00) ~~or~~ nor more than one thousand dollars (\$1,000), or  
2 imprisoned for not less than 10 days nor more than 180 days, or both, for each offense."

3 Sec. 21. G.S. 115D-71, as amended by Section 3 of Chapter 184 of the 1991  
4 Session Laws, reads as rewritten:

5 "**§ 115D-71. Persons eligible to attend the Center; subjects taught.**

6 Persons eligible ~~for~~ to attend the Center shall be at least 16 years of age and legal  
7 residents of the State of North Carolina, as set forth in G.S. 116-143.1: Provided, that  
8 out-of-state students, not to exceed ten percent (10%) of the total enrollment, may be  
9 enrolled when vacancies exist, upon payment of tuition. The amount of tuition shall be  
10 determined by the board of trustees. The money thus collected shall be deposited in the  
11 State treasury. The Center shall (i) assist individual citizens of North Carolina in  
12 becoming contributing members of a well-qualified work force and (ii) assist in  
13 identification of problems confronting the textile industry and in solving these problems  
14 through education, training, and technology transfer in partnership with the North  
15 Carolina Community College System."

16 Sec. 21.1. Article 6A.1 of Chapter 120 of the General Statutes is amended by  
17 adding a new section to read:

18 "**§ 120-30.9I. Alternate submission authority.**

19 Notwithstanding any other provision of this Article, in the event that the person or  
20 party responsible under G.S. 120-30.9E, 120-30.9F, or 120-30.9G for submitting any  
21 local act of the General Assembly shall delay, obstruct, or refuse to make a submittal to  
22 the Attorney General of the United States, the Attorney General of North Carolina may  
23 submit that local act. Any person or party responsible under this Article for making  
24 such a submission shall promptly provide any information and materials the Attorney  
25 General of North Carolina might request to facilitate making the submission and making  
26 any supplements to the submission."

27 Sec. 22. G.S. 130-295.02, as enacted by Chapter 450 of the 1991 Session  
28 Laws, is recodified as G.S. 130A-295.03.

29 Sec. 23. G.S. 131E-2, as enacted by Section 1 of Chapter 143 of the 1991  
30 Session Laws, reads as rewritten:

31 "**§ 131E-2. Contested case hearing petition time limit.**

32 Except as otherwise provided in this Chapter, a petition for a contested case that is  
33 authorized by this Chapter shall be filed in the Office of Administrative Hearings within  
34 30 days after the Department mails written notice of an agency decision to the person  
35 filing the petition. This section shall not be construed to create any right to file a  
36 petition for a contested case that is not otherwise granted in this Chapter."

37 Sec. 24. G.S. 131E-103(b), as amended by Section 2 of Chapter 143 of the  
38 1991 Session Laws, reads as rewritten:

39 "(b) The provisions of Chapter 150B of the General Statutes, the Administrative  
40 Procedure Act, shall govern all administrative action and judicial review in cases where  
41 the Department has taken the action described in subsection (a). A petition for a  
42 contested case shall be filed within 20 days after the Department mails the licensee a  
43 notice of its decision to deny a renewal application, or to recall, suspend, or revoke an  
44 existing license."

1           Sec. 25. G.S. 131E-109(c), as amended by Section 3 of Chapter 143 of the  
2 1991 Session Laws, reads as rewritten:

3           "(c) The Secretary or a designee may suspend the admission of any new patients  
4 or residents at any nursing home or domiciliary home where the conditions of the  
5 nursing home or domiciliary home are detrimental to the health or safety of the patient  
6 or resident. This suspension shall remain in effect until the Secretary is satisfied that  
7 conditions or circumstances merit the removal of the suspension. This subsection shall  
8 be in addition to authority to suspend or revoke the license of the home. Any facility  
9 wishing to contest a suspension of admissions shall be entitled to an administrative  
10 hearing as provided in the Administrative Procedure Act, Chapter 150B of the General  
11 Statutes. The petition for a contested case shall be filed in the Office of Administrative  
12 Hearings within 20 days after the Department mails a written notice of suspension of  
13 admissions to the facility."

14           Sec. 26. G.S. 131E-111(b), as amended by Section 1 of Chapter 185 of the  
15 1991 Session Laws, reads as rewritten:

16           "(b) A nurse aide who wishes to contest a finding of resident neglect, resident  
17 abuse, or misappropriation of resident property made against the aide, is entitled to an  
18 administrative hearing as provided by the Administrative Procedure Act, Chapter 150B  
19 of the General Statutes. A petition for a contested case shall be filed within 30 days  
20 after the nurse aide receives written notice by certified mail of the Department's intent to  
21 place findings against the aide in the nurse aide registry."

22           Sec. 27. (a) G.S. 143-215.108(c), as designated by Section 5 of Chapter 552  
23 of the 1991 Session Laws, shall instead be G.S. 143-215.108(d) as designated by  
24 Section 1 of Chapter 629 of the 1991 Session Laws.

25           (b) G.S. 143-215.108(d), as enacted by Section 5 of Chapter 552 of the 1991  
26 Session Laws, is recodified as G.S. 143-215.108(d1).

27           (c) G.S. 143-215.108(f), as designated by Section 5 of Chapter 552 of the  
28 1991 Session Laws, shall instead be G.S. 143-215.108(g) as designated by Section 1 of  
29 Chapter 629.

30           Sec. 28. G.S. 143B-153(3), as amended by Section 1 of Chapter 462 of the  
31 1991 Session Laws, reads as rewritten:

32           "(3) The Social Services Commission shall have the power and duty to  
33 establish and adopt standards:

- 34           a. For the inspection and licensing of maternity homes as provided  
35 by G.S. 131D-1;
- 36           b. For the inspection and licensing of domiciliary homes for aged  
37 or disabled persons as provided by G.S. 131D-2(b) and for  
38 personnel requirements of staff employed in domiciliary homes.  
39 Any proposed personnel requirements that would impose  
40 additional costs on owners of domiciliary homes shall be  
41 reviewed by the Joint Legislative Commission on  
42 Governmental Operations before they are ~~adopted~~-adopted;
- 43           c. For the inspection and licensing of child-care institutions as  
44 provided by G.S. 131D-10.5;

- 1 d. For the inspection and operation of jails or local confinement  
2 facilities as provided by G.S. 153A-220 and Article 2 of  
3 Chapter 131D of the General Statutes of the State of North  
4 Carolina;
- 5 e. Repealed by Session Laws 1981, c. 562, s. 7.
- 6 f. For the regulation and licensing of charitable organizations,  
7 professional fund-raising counsel and professional solicitors as  
8 provided by Chapter 131D of the General Statutes of the State  
9 of North Carolina."

10 Sec. 29. G.S. 153A-221(a)(7), as amended by Section 1 of Chapter 237 of  
11 the 1991 Session Laws, reads as rewritten:

12 "(7) Medical care for prisoners, including mental health, ~~mental~~  
13 ~~retardation,~~ developmental disabilities, and substance abuse  
14 services;"

15 Sec. 30. G.S. 159-27.1, as enacted by Section 3 of Chapter 508 of the 1991  
16 Session Laws, is recodified as G.S. 159-27.1.

17 Sec. 31. G.S. 160A-35(b), as enacted by Section 1 of Chapter 25 of the 1991  
18 Session Laws, is recodified as G.S. 160A-35.1, with a catch line to read: "Limitation on  
19 change in financial participation prior to annexation." G.S. 160A-35(a) is redesignated  
20 as G.S. 160A-35.

21 Sec. 32. G.S. 160A-47(b), as enacted by Section 1 of Chapter 25 of the 1991  
22 Session Laws, is recodified as G.S. 160A-47.1, with a catch line to read: "Limitation on  
23 change in financial participation prior to annexation." G.S. 160A-47(a) is redesignated  
24 as G.S. 160A-47.

25 Sec. 32.1. G.S. 163-140(b)(4)a. and b. as rewritten by Section 2 of Chapter  
26 641, Session Laws of 1991, reads as rewritten:

27 "a. To vote for all candidates of one party (a straight ticket), make a  
28 cross (X) mark in the circle of the party for whose candidates  
29 you wish to vote.  
30 ~~for whom you wish to vote.~~

31 b. You may vote a split ticket by not marking a cross (X) mark in  
32 the party circle, but by making a cross (X) mark in the square  
33 opposite the name of each candidate for whom you wish to  
34 vote."

35 Sec. 32.2. G.S. 163-140(b)(5)a. and b. as rewritten by Section 3 of Chapter  
36 641, Session Laws of 1991, reads as rewritten:

37 "a. To vote for all candidates of one party (a straight ticket), make a  
38 cross (X) mark in the circle of the party for whose candidates  
39 you wish to vote.  
40 ~~for whom you wish to vote~~

41 b. You may vote a split ticket by not marking a cross (X) mark in  
42 the party circle, but by making a cross (X) mark in the square  
43 opposite the name of each candidate for whom you wish to  
44 vote."

1       Sec. 33. (a)       The description of District 8 in G.S. 163-201 as rewritten by  
2 Chapter 601, Session Laws of 1991, is amended by deleting "Radford # 5" and  
3 substituting "Raeford # 5".

4       (b)       G.S. 163-201(c)(6), as enacted by Chapter 601, Session Laws of 1991, reads  
5 as rewritten:

6               "(6)   ~~Any listing in any district of Mecklenburg Precinct XMC2 Noncontiguous~~  
7               ~~shall be disregarded, as that precinct does not exist~~In Mecklenburg  
8               County, Precinct XMC2 Noncontiguous is Tract 55.01, Block 303C,  
9               and is districted with Precinct MC1 notwithstanding any description  
10              above;".

11       Sec. 34. The first line of Section 1 of Chapter 59 of the 1991 Session Laws is  
12 amended by adding the phrase "Part C of Article 6 of" before the phrase "Chapter  
13 131E".

14       Sec. 35. Section 2 of Chapter 142 of the 1991 Session Laws reads as  
15 rewritten:

16       "Sec. 2. This act becomes effective October 1, 1991, and applies to ~~require~~required  
17 reevaluations for children who have not reached the second semester of the third grade  
18 by this date."

19       Sec. 36. Section 1 of Chapter 204 of the 1991 Session Laws is amended by  
20 inserting the word "and" at the end of subdivision (6).

21       Sec. 37. The title of Chapter 237 of the 1991 Session Laws reads as  
22 rewritten:

23       "AN ACT TO ENHANCE MENTAL HEALTH, ~~MENTAL RETARDATION,~~  
24 DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE CARE IN LOCAL  
25 CONFINEMENT FACILITIES."

26       Sec. 38. Section 2 of Chapter 317 of the 1991 Session Laws is amended by  
27 deleting the phrase "is rewritten to read:" and substituting the phrase "reads as  
28 rewritten:".

29       Sec. 39. Section 3 of Chapter 317 of the 1991 Session Laws is amended by  
30 deleting the phrase "is rewritten to read:" and substituting the phrase "reads as  
31 rewritten:".

32       Sec. 40. Section 3 of Chapter 403 of the 1991 Session Laws is amended by  
33 deleting "(g)" and substituting "(g)".

34       Sec. 41. Subdivision (2) of Section 5 of Chapter 404 of the 1991 Session  
35 Laws reads as rewritten:

36               "(2)   The selection and assignment of personnel filling certified positions  
37               shall be made by a ~~simply~~simple majority vote of the Interim and  
38               Merged Boards. Any involuntary reassignment across previous  
39               administrative unit boundaries of persons filling certified positions by  
40               the Permanent Board shall be made only by a two-thirds affirmative  
41               vote during the first five years following the effective date of merger."

42       Sec. 42. Section 2 of Chapter 419 of the 1991 Session Laws is amended by  
43 deleting the underlining beneath the word "insurance".

1           Sec. 43. Section 2(2) of Chapter 434 of the 1969 Session Laws, as amended  
2 by Chapter 498 of the 1983 Session Laws, as amended by Chapter 497 of the 1991  
3 Session Laws, is further amended by inserting the word "the" between the words  
4 "maintain in" and "Local".

5           Sec. 44. The first sentence of Section 2 of Chapter 503 of the 1991 Session  
6 Laws is amended by inserting the word "following" between the words "the" and  
7 "provisions".

8           Sec. 45. Section 6 of Chapter 506 of the 1991 Session Laws is amended by  
9 deleting the phrase "reads as written:" and substituting the phrase "reads as rewritten:".

10          Sec. 46. Section 4.2 of the Charter of the City of Foscoe, as enacted by  
11 Section 1 of Chapter 553 of the 1991 Session Laws, is amended by deleting the word  
12 "or" and substituting the word "on" between the words "par" and "face".

13          Sec. 47. Section 2 of Chapter 615 of the 1991 Session Laws is rewritten to  
14 read:

15          "Sec. 2. Section 1 of Chapter 119 of the 1991 Session Laws is amended by deleting '  
16 Sec. 23.10.' and by substituting 'Sec. 23.11.'".

17          Sec. 48. The Charter of the City of Durham, being Chapter 671 of the 1975  
18 Session Laws, as amended by Chapter 694 of the 1981 Session Laws, as amended by  
19 Chapter 617 of the 1991 Session Laws, is amended by deleting the word "the" before  
20 the phrase "Chapter 143" in the second sentence of Section 17(3).

21          Sec. 49. Section 2 of Chapter 636 of the 1991 Session Laws is amended by  
22 deleting the phrases "subdivision (4)" and "subdivision (5)" and substituting "Section 4"  
23 and "Section 5" respectively.

24          Sec. 50. This act is effective upon ratification.