

April 21, 2005

**H 1539. UNC/AMEND UMSTEAD ACT (=S 758).** *TO AMEND THE UMSTEAD ACT TO BROADEN THE SCOPE OF ACTIVITIES THAT MAY BE OFFERED BY THE UNIVERSITY OF NORTH CAROLINA PROVIDED THE ACTIVITIES ARE NOT, IN FACT, UNFAIR COMPETITION.* Identical to S 758, introduced 3/22/05.

**Intro. by Daughtridge, Brubaker, Haire, Yongue.**

Ref. to Commerce

GS 66

May 25, 2005

**H 1539. UNC/AMEND UMSTEAD ACT.** Intro. 4/21/05. House committee substitute makes the following changes to 1st edition. Transfers new GS 66-58(i), which authorizes the University of North Carolina to engage in certain listed activities notwithstanding the prohibition on sales and services set forth in subsection (a), to new GS 66-58(b)(8)l. through o. Clarifies that the University may provide University-related services or market University-related merchandise to alumni. Rewrites provision requiring that the UNC Board of Governors (BOG) establish a panel to determine whether University activities constitute unfair competition to require that panel consist of nine members and to specify the qualifications of panel members. Requires that panel make determinations as to whether activities authorized by act are either unauthorized or unfair competition (was, unfair competition only). Requires that the BOG publish procedures for panel deliberations. Provides that the panel's determination that an activity is authorized is an absolute defense in any prosecution for an activity undertaken before a contrary determination was made by a court or an opinion of the Attorney General and that panel does not have the authority to overrule a prior determination of the Attorney General. Requires that the panel report to the Joint Legislative Economic Development Oversight Committee as proposed by H 1365 if that bill is enacted, annually by May 1, on the determinations made during the prior year. Makes technical and conforming changes.

May 31, 2005

**H 1539. UNC/AMEND UMSTEAD ACT.** Intro. 4/21/05. House amendment makes the following changes to 2nd edition. Provides that the panel members representing the House and Senate be appointed by the General Assembly upon the recommendation of the President Pro Tem. and the Speaker (was appointed by the President Pro Tem. and the Speaker). Adds additional requirements for the procedures to be used by the panel including that the panel maintain a registry of all parties that request notification of the panel's proceedings, that the panel provide at least seven days' notice of meetings to those parties, and that agendas, minutes, and determinations made by the panel be posted on the University website.

June 1, 2005

**H 1539. UNC/AMEND UMSTEAD ACT.** Intro. 4/21/05. House amendment makes the following changes to 2nd edition. Requires that members of the panel identified in GS 66-58(i) receive the same per diem and reimbursement for travel expenses as members of State boards and commissions and that the University of North Carolina be responsible for staffing and paying the panel's expenses.

August 10, 2005

**H 1539. UNC/AMEND UMSTEAD ACT.** Intro. 4/21/05. Senate amendment makes the following changes to 3rd edition. Amends new exemptions from the Umstead Act to exempt activities that serve family members and guests of University of North Carolina students or employees, and activities that provide University-related services or market merchandise to family members of alumni. Previous version included a new exemption for activities that enable the community to utilize the University's facilities, equipment, or expertise. New language requires the University to provide notice to persons requesting it if the University proposes to engage in a new activity that allows the community to utilize University resources.

Previous version requires the Board of Governors to establish a panel to evaluate whether certain University activities are exempt from the requirements of the Umstead Act. New language provides that the University will be bound by a decision of the panel regarding the applicability of any exemption to University activities. Makes technical changes.

August 12, 2005

**H 1539. UNC/AMEND UMSTEAD ACT.** Intro. 4/21/05. Senate amendment makes the following changes to 4th edition. Expands proposed UNC Umstead Act exemption for “activities that primarily provide University-related services or market University-related merchandise to alumni of the University and members of their immediate families” by deleting the word “primarily.”

September 21, 2005

**SL 2005-397 (H 1539). UNC/AMEND UMSTEAD ACT. AN ACT TO AMEND THE UMSTEAD ACT RELATING TO ACTIVITIES OF THE UNIVERSITY OF NORTH CAROLINA AND TO CREATE A PANEL TO DETERMINE WHETHER UNIVERSITY ACTIVITIES VIOLATE THE ACT.** Summarized in *Daily Bulletin* 4/21/05, 5/25/05, 5/31/05, 6/1/05, 8/10/05, and 8/12/05. Enacted September 14, 2005. Effective September 14, 2005.