

2001

**HOUSE
EDUCATION
SUBCOMMITTEE ON
UNIVERSITIES**

MINUTES

HOUSE EDUCATION SUBCOMMITTEE ON UNIVERSITIES
2001-2002 SESSION

<u>MEMBER</u>	<u>ASSISTANT</u>	<u>PHONE</u>	<u>OFFICE</u>	<u>SEAT</u>
Chair INSKO, Verla	Linda McCrodden	733-7208	2121	70
Vice Chair HAIRE, R. Phillip	Sara Jane Lennard	715-3005	419B	47
Vice Chair HOLMES, George M.	Glenda Jacobs	733-5771	2119	41
ALEXANDER, Martha B.	Ann Faust	733-5807	2208	32
BAREFOOT, Daniel W.	Jackie Pittman	715-3021	416B	72
BARNHART, Jeff	Melanie McNeely	733-5661	1019	118
BLUST, John M.	Betty Childress	733-5806	1420	105
BOYD-MCINTYRE, Flossie	Mia Bailey	733-5905	506	18
CRAWFORD JR, James W.	Linda Winstead	733-5824	1301	24
CREECH, Billy J.	Rhonda Todd	715-4466	602	88
ESPOSITO, Theresa H.	Judy Lowe	715-3009	418C	40
FOX, Stanley H.	Mary Capps	733-5758	2123	46
HILTON, Mark	Esther Corbett	733-5609	1409	115
MCMAHAN, W. Edwin	Sharon Cram	733-5934	1104	54
MICHAUX JR, Henry M.	Anita Wilder	733-5772	1325	57
MORGAN, Richard T.	Dixie Epps	715-3010	418B	64
OWENS JR, William C.	Linda Johnson	733-0010	632	9
THOMPSON, Gregory J.	Edna Sykes	733-5828	1002	38

ATTENDANCE

Education Subcommittee On Universities

(2001-2002 Session)

[illegible]

North Carolina General Assembly
Through House Committee on
Education Subcommittee on Universities

Date: 11/14/2001
Time: 10:19
Page: 001 of 001

2001-2002 Biennium

Leg. Day: H-167/S-161

Bill	Introducer	Short Title	Latest Action	In Date	Out Date
H0151	Owens	AMEND LEG. TUITION GRANTS.	H Reptd To Education	04-16-01	04-25-01
H0972=	Yongue	UNC CAMPUS LAW ENFORCEMENT JURISDICTION.	HR Ch. SL 2001-397	04-16-01	04-19-01
H1004	Gibson	ANSON/PAMLICO MODEL TEACHER ED. CONSORTIUM.	*H Assigned To Appropriations Subcommittee on Education	04-16-01	04-23-01
H1138	Arnold	UNC TUITION & FEES/ SET BY LEGISLATURE.	H Reptd To Education	04-18-01	04-19-01
H1211	Shubert	UNC SYSTEM-NO REMEDIAL EDUCATION PROGRAMS.	H Assigned To Appropriations Subcommittee on Education	04-18-01	04-19-01
H1279	Allred	STUDY HIGHER ED. RESIDENCY REQS.	*H Re-ref Com On Rules, Calendar, and Operations of the House	04-18-01	04-25-01

'\$' indicates the bill is an appropriation bill.

A bold line indicates the bill is an appropriation bill.

'*' indicates that the text of the original bill was changed by some action.

'=' indicates that the original bill is identical to another bill.

AGENDA

Education Subcommittee on Universities

**April 19, 2001
Room 425 LOB
12:15 PM**

OPENING REMARKS

Representative Verla Insko, Chair

AGENDA ITEMS

HB151 AMEND LEG. TUITION GRANTS0-Representative Owens

HB972 UNC CAMPUS LAW ENFORCEMENT JURISDICTION-Representative Yongue

HB1004 ANSON CO. TEACHER ED. CONSORTIUM.-Representative Gibson

HB1138 UNC TUITION & FEES/SET BY LEGISLATURE-Representative Arnold

**HB1211 UNC SYSTEM-NO REMEDIAL EDUCATION PROGRAMS-Representative
Shubert**

HB1279 UNC SYSTEM/IN-STATE RESIDENCY REQUIREMENT-Representative Allred

ADJOURNMENT

MINUTES
Education Subcommittee on Universities

April 19, 2001

The Education Subcommittee on Universities met on Thursday, April 19, 2001, in Room 425 of the Legislative Office Building at 12:15 pm. The following members were present: Chair, Representative Verla Insko, Vice-Chair, Representative Phillip Haire and Representatives Barefoot, Blust, Crawford, Esposito, Fox, Hilton, McMahan, Owens, and Thompson. Kory Goldsmith, Research Staff was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chair called the meeting to order and recognized Representative Yongue, bill sponsor, to explain HB 972, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT AGENCIES. Representative Barefoot moved for a favorable report of HB 972 and the motion carried.

The Chair recognized Representative Wainwright standing in for Representative Gibson, bill sponsor, to explain HB 1004, A BILL TO BE ENTITLED AN ACT TO ADD ANSON COUNTY TO THE MODEL TEACHER EDUCATION CONSORTIUM. The Chair recognized Representative Barefoot to send forward an amendment adding Pamlico County to the bill and the motion carried. Representative Crawford raised questions concerning funding and Representative Wainwright responded. Upon motion made by Representative McMahan, the Committee voted to give HB 1004 a favorable report as to committee substitute bill, unfavorable as to original bill and the motion carried.


The Chair recognized Representative Arnold, bill sponsor, to explain HB 1138, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL FIX THE RATE OF TUITION FOR THE STATE'S UNIVERSITY SYSTEM. Representatives McMahan and Haire agreed that the state should not micromanage the university system and the Board of Governor's should have the authority to set rates. Representative Barefoot stated if we keep raising tuition, we would violate the constitution of North Carolina. Address raising tuition either by amending the constitution or deciding in committee. Representative Insko stated that we could appropriate more money from the general fund to support universities. Mr. Jeff Davies the Vice President of Finance for the University gave comments on two ways that increase tuition. Representative Thompson made a motion for a favorable report. Representatives Insko and Haire made comments opposing this bill. A division was called. The motion for a favorable report failed 5 to 3. A motion for an unfavorable report passed.

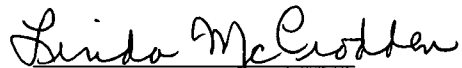
The Chair recognized Representative Shubert, bill sponsor, to explain HB 1211, AN BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT

OFFER REMEDIAL EDUCATION PROGRAMS. Representative Haire raised a question concerning a study done at the University several years ago about remedial education. Ms. Gretchen Bataille, Sr. Vice President of Academic Affairs, responded that the University should not abandon their role in providing courses for students who need extra support. Representative Blust raised the question how is it determined if students need remedial education followed by Representative Esposito's comments that student's are not prepared and are deficient when they start college. Ms. Bataille responded with the need to be responsive to isolated deficiencies and provide students what they need to be successful. Representative Esposito asked if private colleges offer remedial programs and Ms. Hope Williams, from North Carolina Independent Colleges and Universities responded that some do and some do not. Representative Shubert followed up with a response that this testing for deficiencies should be done in tenth or eleventh grade. Ms. Bataille suggested that the bill should refer to testing in high school and not eliminating remediation at the University level. Representative Haire summarized some comments made by Ms. Bastille. Representative Insko apologized for commenting on the previous motion. Representative Shubert finished the discussion by making reference to her handout. (Attachment 1) Representative Haire moved for an unfavorable report. Representative Hilton called for a division. The motion failed 6 to 4. Representative Thompson moved for a favorable report to be reported back to the House Committee on EDUCATION and the motion carried.

There being no further business, the Chair adjourned the meeting at 1:15 pm.

Respectfully submitted,


Representative Verla Insko
Chair


Linda McCrodden
Committee Assistant

**2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative Insko (Chair) for the Permanent Subcommittee on Universities of the Standing Committee on **EDUCATION**.

- ☐ Committee Substitute for
H.B. 972 A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND
THE JURISDICTION AND AUTHORITY OF UNIVERSITY OF NORTH CAROLINA CAMPUS
LAW ENFORCEMENT AGENCIES.

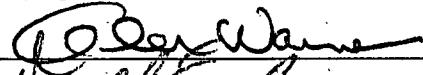
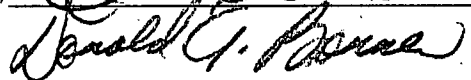
REPORTED TO THE STANDING COMMITTEE ON _____

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on _____
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on _____
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE
DIRECTLY TO THE FLOOR OF THE HOUSE:

Representatives **Bonner and Warner** for the Standing Committee on **EDUCATION**.

s/ 


- ☒ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____)

02/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 972*

Short Title: UNC Campus Law Enforcement Jurisdiction.

(Public)

Sponsors: Representatives Yongue, Arnold, Bonner, and Russell.

Referred to: Education.

April 4, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AND AMEND THE JURISDICTION AND AUTHORITY OF
3 UNIVERSITY OF NORTH CAROLINA CAMPUS LAW ENFORCEMENT
4 AGENCIES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 116-40.5 reads as rewritten:

7 "§ 116-40.5. Campus law enforcement agencies.

8 (a) The Board of Trustees of any constituent institution of The University of
9 North Carolina, or of any teaching hospital affiliated with but not part of any constituent
10 institution of The University of North Carolina, may establish a campus law
11 enforcement agency and employ campus police officers. Such officers shall meet the
12 requirements of Chapter 17C of the General Statutes, shall take the oath of office
13 prescribed by Article VI, Section 7 of the Constitution, and shall have all the powers of
14 law enforcement officers generally. The territorial jurisdiction of a campus police
15 officer shall include all property owned or leased to the institution employing him and
16 that portion of any public road or highway passing through such property ~~and~~
17 immediately adjoining it, wherever located.

18 (b) The Board of Trustees of any constituent institution of The University of
19 North Carolina, or of any teaching hospital affiliated with but not part of any constituent
20 institution of The University of North Carolina, having established a campus law
21 enforcement agency pursuant to subsection (a) of this section, may enter into joint
22 agreements with the governing board of any municipality to extend the law enforcement
23 authority of campus police officers into any or all of the municipality's jurisdiction and
24 to determine the circumstances in which this extension of authority may be granted.

25 (c) The Board of Trustees of any constituent institution of The University of
26 North Carolina, or of any teaching hospital affiliated with but not part of any constituent
27 institution of The University of North Carolina, having established a campus law
28 enforcement agency pursuant to subsection (a) of this section, may enter into joint

1 agreements with the governing board of any county, and with the consent of the sheriff,
2 to extend the law enforcement authority of campus police officers into any or all of the
3 county's jurisdiction and to determine the circumstances in which this extension of
4 authority may be granted.

5 (d) The Board of Trustees of any constituent institution of The University of
6 North Carolina, having established a campus law enforcement agency pursuant to
7 subsection (a) of this section, may enter into joint agreements with the governing board
8 of any other constituent institution of The University of North Carolina to extend the
9 law enforcement authority of its campus police officers into any or all of the other
10 institution's jurisdiction and to determine the circumstances in which this extension of
11 authority may be granted."

12 SECTION 2. This act is effective when it becomes law.

**2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative **Insko** (Chair) for the Permanent Subcommittee on **Universities** of the Standing Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1004

A BILL TO BE ENTITLED AN ACT TO ADD ANSON COUNTY TO THE MODEL TEACHER EDUCATION CONSORTIUM.

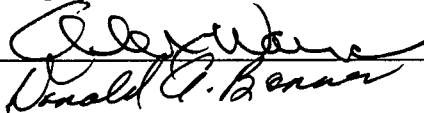
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE
DIRECTLY TO THE FLOOR OF THE HOUSE:

Representatives Bonner and Warner for the Standing Committee on EDUCATION.

s/ 
Donald C. Bonner

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- X With a favorable report as to committee substitute bill, X which changes the title, unfavorable as to (original bill).

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1004*

Short Title: Anson Co/Model Teacher Ed. Consortium.

(Public)

Sponsors: Representatives Gibson; and Goodwin.

Referred to: Education.

April 9, 2001

A BILL TO BE ENTITLED

AN ACT TO ADD ANSON COUNTY TO THE MODEL TEACHER EDUCATION
CONSORTIUM.

The General Assembly of North Carolina enacts:

SECTION 1. Anson County is added as a county in the Model Teacher Education Consortium that was established in Section 72 of Chapter 752 of the 1989 Session Laws and shall be included as a part of the Model Teacher Education Consortium on and after the effective date of this act. Anson County, along with the other members of the Model Teacher Education Consortium, shall be served out of existing funds.

SECTION 2. This act is effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

EDITION No. 1

H. B. No. 1004

DATE 4/19/01

S. B. No. _____

Amendment No. _____

(to be filled in by
Principal Clerk)

COMMITTEE SUBSTITUTE _____

Rep.) ~~W. B. B. B.~~ B. B. B.
Sen.) _____

1 moves to amend the bill on page 1, line 2

2 ☒ WHICH CHANGES THE TITLE

3 by rewriting the line to read:

4 "AN ACT TO ADD ANSON COUNTY AND PAMLICO
5 COUNTY TO THE MODEL TEACHER EDUCATION" and

6
7 on page 1, line 5 by rewriting that line to read:

8 "SECTION 1. Anson County and Pamlico County
9 are added as counties in the Model Teacher" and

10
11 on page 1, line 8 by rewriting that line to read:

12 "Constitution on and after the effective date of this
13 act, Anson County and Pamlico County along
14 with the".

15

16

17

18

19

SIGNED Daniel B. B.

ADOPTED X FAILED _____ TABLED _____

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1138

Short Title: UNC Tuition & Fees/Set by Legislature.

(Public)

Sponsors: Representative Arnold.

Referred to: Education.

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL FIX THE
RATE OF TUITION FOR THE STATE'S UNIVERSITY SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143 reads as rewritten:

"§ 116-143. State-supported institutions of higher education required to charge
tuition and fees.

(a) ~~The Board of Governors of the University of North Carolina General~~
~~Assembly shall fix the tuition and fees, not inconsistent with actions of the General~~
~~Assembly, fees~~ at the institutions enumerated in G.S. 116-4 in such amount or amounts
as it may deem best, taking into consideration the nature of each institution and program
of study and the cost of equipment and maintenance; and each institution shall charge
and collect from each student, at the beginning of each semester or quarter, tuition, fees,
and an amount sufficient to pay other expenses for the term.

In the event that said students are unable to pay the cost of tuition and required
academic fees as the same may become due, in cash, the said several boards of trustees
are hereby authorized and empowered, in their discretion, to accept the obligation of the
student or students together with such collateral or security as they may deem necessary
and proper, it being the purpose of this Article that all students in State institutions of
higher learning shall be required to pay tuition, and that free tuition is hereby abolished.

Inasmuch as the giving of tuition and fee waivers, or especially reduced rates,
represent in effect a variety of scholarship awards, the said practice is hereby prohibited
except when expressly authorized by statute or by the ~~Board of Governors of the~~
~~University of North Carolina; General Assembly~~ and, furthermore, it is hereby directed
and required that all budgeted funds expended for scholarships of any type must be
clearly identified in budget reports.

Notwithstanding the above provision relating to the abolition of free tuition, the
Board of Governors of the University of North Carolina may, in its discretion, provide

1 regulations under which a full-time faculty member of the rank of full-time instructor or
2 above, and any full-time staff member of the University of North Carolina may during
3 the period of normal employment enroll for not more than one course per semester in
4 the University of North Carolina free of charge for tuition, provided such enrollment
5 does not interfere with normal employment obligations and further provided that such
6 enrollments are not counted for the purpose of receiving general fund appropriations."

7 **SECTION 2.** This act is effective when it becomes law.

**2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative **Insko** (Chair) for the Permanent Subcommittee on **Universities** of the Standing Committee on **EDUCATION**.

☐ Committee Substitute for

H.B. 1211

A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT
CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT
OFFER REMEDIAL EDUCATION PROGRAMS.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

☒ With a favorable recommendation.

☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on

☐ With a favorable recommendation, as amended.

☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on

☐ With an unfavorable recommendation.

☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.

☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.

☐ Without prejudice.

☐ Other recommended action: _____.

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE
DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative _____ for the Standing Committee on _____.

s/ _____

☐ With a favorable report.

☐ With a favorable report, as amended.

☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____ .)

02/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 1211

Short Title: UNC System-No Remedial Education Programs.

(Public)

Sponsors: Representatives Shubert; and Carpenter.

Referred to: Education.

April 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE
3 UNIVERSITY OF NORTH CAROLINA SHALL NOT OFFER REMEDIAL
4 EDUCATION PROGRAMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 116-11(3) reads as rewritten:

7 "(3) The Board shall determine the functions, educational activities and
8 academic programs of the constituent institutions. The Board shall also
9 determine the types of degrees to be awarded. The Board shall not
10 authorize programs of remedial education to be provided at constituent
11 institutions. The powers herein given to the Board shall not be
12 restricted by any provision of law assigning specific functions or
13 responsibilities to designated institutions, the powers herein given
14 superseding any such provisions of law. The Board, after adequate
15 notice and after affording the institutional board of trustees an
16 opportunity to be heard, shall have authority to withdraw approval of
17 any existing program if it appears that the program is unproductive,
18 excessively costly or unnecessarily duplicative. The Board shall
19 review the productivity of academic degree programs every two years,
20 using criteria specifically developed to determine program
21 productivity."

22 SECTION 2. Article 1 of Chapter 116 of the General Statutes is amended by
23 adding a new section to read:

24 "§116.3. No remedial programs provided by constituent institutions.

25 (a) No constituent institution shall provide a remedial education program or
26 course of remedial study for a student enrolled at the institution.

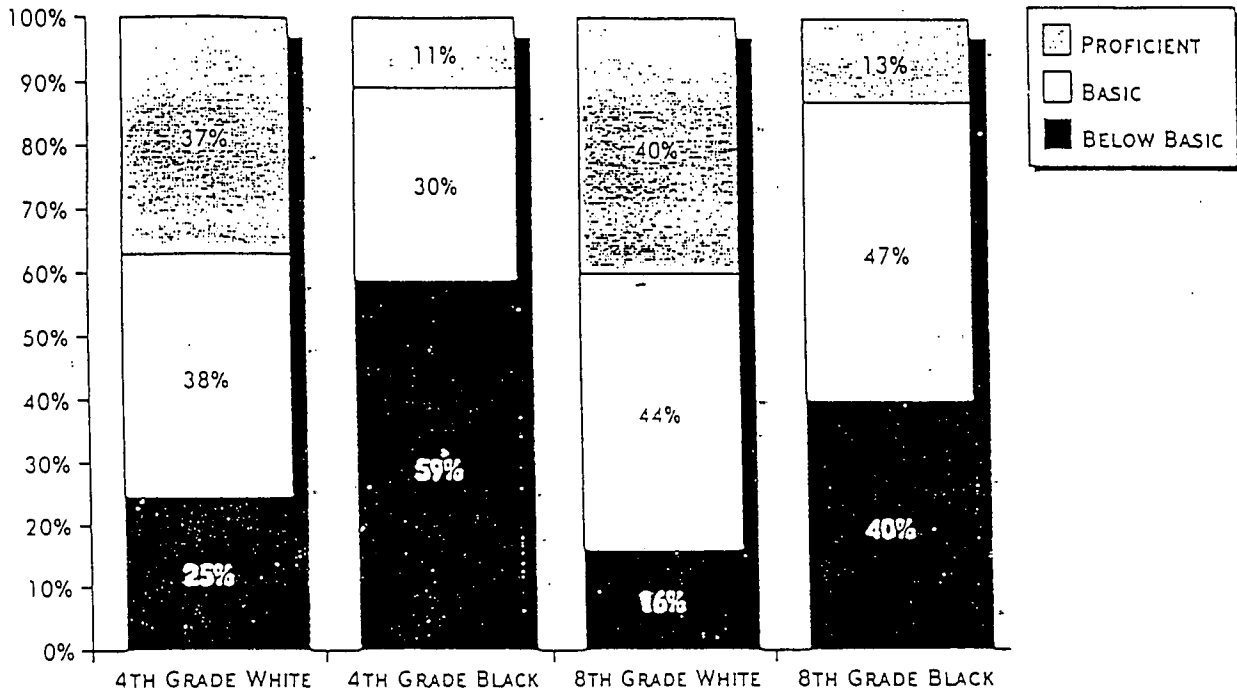
27 (b) The Board of Governors, in cooperation with the State Board of Education,
28 shall develop and implement a plan to ensure that each high school student who plans to

1 seek a college degree upon high school graduation is adequately prepared in his or her
2 course of academic study so that no remediation should be needed by a student who
3 enrolls at a constituent institution.

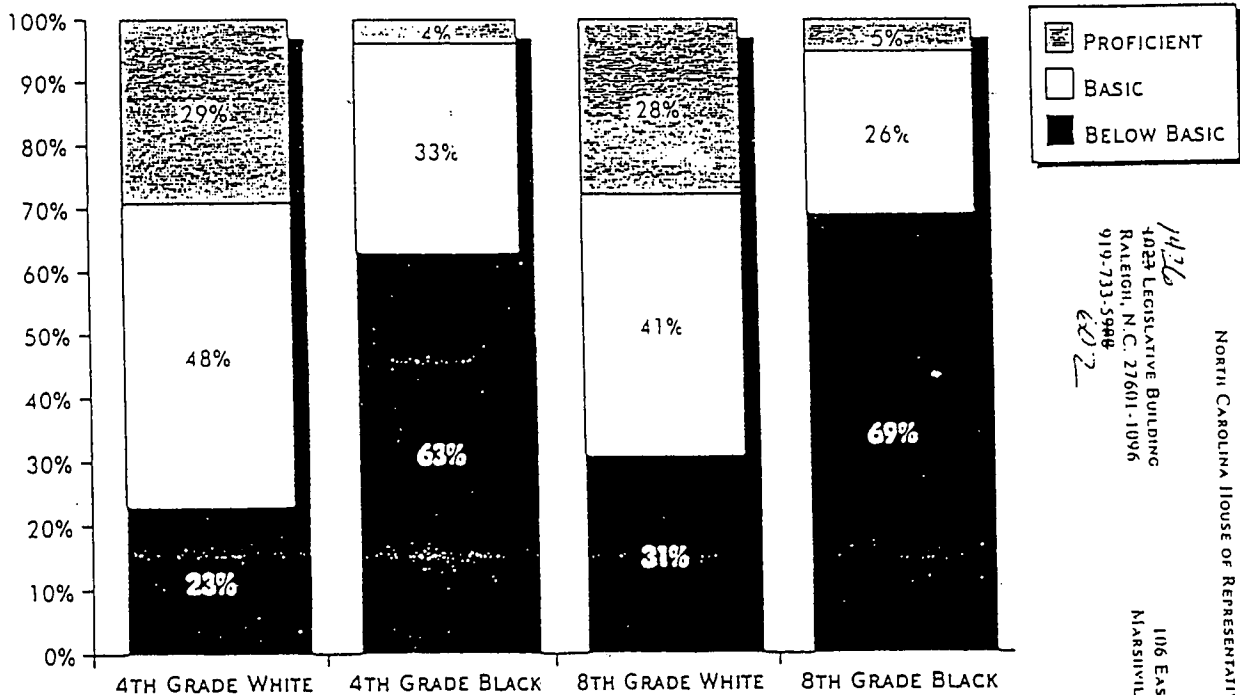
4 (c) The Board of Governors shall direct each constituent institution to develop a
5 program that will provide, upon request, a referral for any student enrolled or seeking
6 enrollment at the institution to an appropriate remedial program of studies offered
7 elsewhere."

8 SECTION 3. This act becomes effective July 1, 2003, and applies to
9 academic periods beginning on or after that date.

1998 NAEP READING PROFICIENCY IN NC, BY RACE



1996 NAEP MATH PROFICIENCY IN NC, BY RACE



1436
1023 LEGISLATIVE BUILDING
RALEIGH, N.C. 27601-1096
919-733-5948
6/2/2

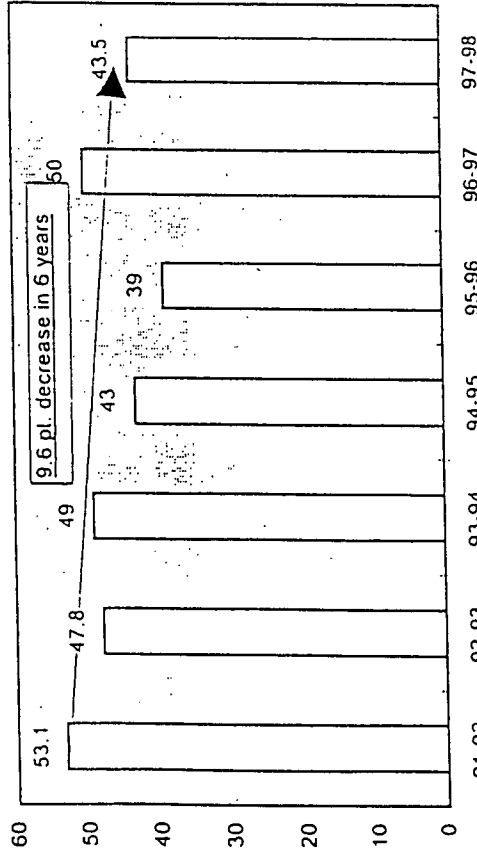
REPRESENTATIVE FERN SHUBERT
NORTH CAROLINA HOUSE OF REPRESENTATIVES

106 EAST MAIN STREET
MARSHVILLE, N.C. 28103
704-624-2720

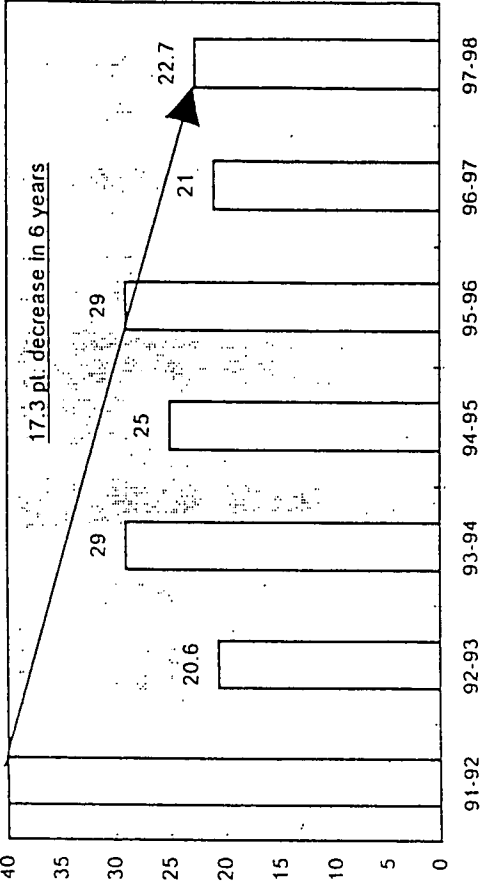


Tenth Grade NC Student Performance In Basic Conventions From 1992 Through 1998

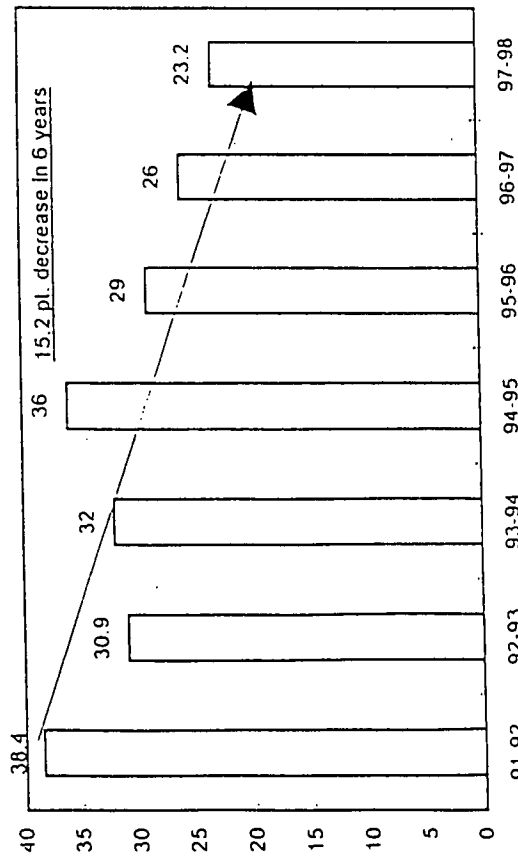
Percentage of NORTH CAROLINA 10th Graders Scoring 3 in "Sentence Formation" on NC English II Essay - Writing Exam



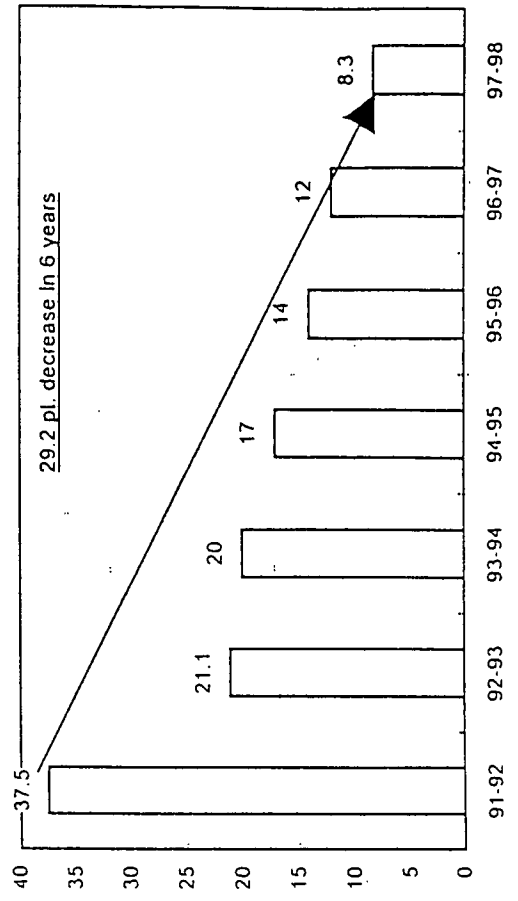
Percentage of NORTH CAROLINA 10th Graders Scoring 3 in "Mechanics" on NC English II Essay - Writing Exam



Percentage of NORTH CAROLINA 10th Graders Scoring 3 in "Spelling" on NC English II Essay - Writing Exam



Percentage of NORTH CAROLINA 10th Graders Scoring 3 in "Usage" (Grammar) on NC English II Essay - Writing Exam



VISITOR REGISTRATION SHEET

Universities

April 19, 2001

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Tom Daly	Martin County Schools
Julia Mobley	Pamlico County Schools
William Davis	Public School System of NC
Angela Lewis	NCCS
Austin Bunch	ELL
Des Ross	NCIC
Lin McDowell	NCIC
Hope Williams	NCIC
Jeff Davis	UNC OP
Grutcher Bataille	UNC OP
Clyton Metcay	UNC OP

AGENDA

Education Subcommittee on Universities

**April 24, 2001
Room 605 LOB
3:00 pm**

OPENING REMARKS

Representative Verla Insko, Chair

AGENDA ITEMS

HB151 AMEND LEG. TUITION GRANTS-Representative Owens

**HB1279 UNC SYSTEM/IN-STATE RESIDENCY REQUIREMENT-
Representative Allred**

ADJOURNMENT

MINUTES
Education Subcommittee on Universities

April 24, 2001

The Education Subcommittee on Universities met on Tuesday, April 24, 2001 in Room 605 of the Legislative Office Building at 3:00 pm. The following members were present: Chair, Representative Verla Insko, Vice-Chairs, Representatives Phillip Haire and George Holmes and Representatives Barefoot, Barnhart, Blust, Esposito, Fox, Hilton, McMahan, Michaux, Owens and Thompson. Kory Goldsmith, Research Staff was in attendance. A Visitor Registration list is attached and made part of these minutes.

The Chair called the meeting to order and recognized Representative Owens, bill sponsor, to explain HB151, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LEGISLATIVE TUITION GRANT MAY BE PAID TO A STUDENT WHO ATTENDS A BIBLE COLLEGE THAT MEETS THE SAME CRITERIA AS OTHER PRIVATE SCHOOLS. Representative Blust raised questions concerning constitutional issues and Representative Thompson inquired if bill passed would other private schools request the same. Kory Goldsmith responded to Representative Blust by explaining there is a United States Supreme Court Case law distinguishing the difference between giving financial aid to a student and giving financial aid to an institution. If a student receives funds, it is their free choice to use funds and does not encourage religion. If funds go to a religious institution it may encourage religion resulting in a constitutional problem. Representative Owens commented that this bill is structured so funds would be given to students. Representative Michaux stated the way he read the bill, it looks like the institution is entering a contract and funds would not be given directly to students. Representative Owens followed by commenting that students should complete the year and then receive the tuition grant before beginning the next year.

The Chair recognized Hope Williams from North Carolina Independent Colleges and Universities. Ms. Williams stated that their students have benefited from legislative tuition grants; but per the Attorney General's Office, adding bible colleges to this program would make it unconstitutional.

The Chair recognized Deborah Ross from ACLU of North Carolina. Ms. Ross stated that the current method of the state writing a check to colleges for them to distribute to students is different from this bill. This bill would carve out bible colleges for different treatment. She commented further that this is not like a GI bill where everyone is treated the same.

Representative Owens said that students from bible colleges are being carved out and not receiving any benefits. Representative Blust asked if it had been ruled that bible colleges could not receive funds the way that other independent colleges do. Research assistant Kory Goldsmith, referenced Page 1, Line #15 of the bill and statute, that states currently bible colleges are excluded. Representative Thompson raised concerns why it matters that money goes through student or institution and if it made a difference if


Roanoke Bible College was called Roanoke College. Ms. Ross said to read the Supreme Court decisions because they do care whom the money is given to. Ms. Williams responded to the second part of his question by stating that students who attend one of the private colleges and receive a grant can not be majoring in a Christian vocation.

The Chair commented further discussion would be necessary.

There being no further business, the Chair adjourned the meeting at 3:35 pm.

Respectfully submitted,


Representative Verla Insko
Chair


Linda McCrodden
Committee Assistant

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 151

Short Title: Amend Leg. Tuition Grants.

(Public)

Sponsors: Representative Owens.

Referred to: Rules, Calendar, and Operations of the House.

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A LEGISLATIVE TUITION GRANT MAY BE PAID
TO A STUDENT WHO ATTENDS A BIBLE COLLEGE THAT MEETS THE
SAME CRITERIA AS OTHER PRIVATE SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-22 reads as rewritten:

"§ 116-22. Definitions applicable to §§ ~~116-19~~ G.S. 116-19 through G.S. 116-22.

As used in G.S. 116-19 through ~~116-22~~ G.S. 116-22:

- (1) 'Institution' shall mean an educational institution with its main campus located in this State that is not owned or operated by the State of North Carolina or by an agency or political subdivision of the State or by any combination thereof, that is accredited by the Southern Association of Colleges and Schools under the standards of the College Delegate Assembly of said Association and that is not a seminary, Bible school, ~~Bible college or similar religious institution.~~
- (2) 'Student' shall mean a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of the University of North Carolina and published in the residency manual of said Board; and a person who has not received a bachelor's degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of the University of North Carolina may promulgate. The enrollment figures required by G.S. 116-19 through 116-22 shall be the number of full-time equivalent students as computed under regulations prescribed by the Board of Governors of the University of North Carolina. Qualification for in-State tuition under G.S. 116-143.3 makes a person a 'student' as defined in this subdivision."

1 SECTION 2. Article 1 of Chapter 116 of the General Statutes is amended by
2 adding a new section to read:

3 "§ 116-21A. Contract terms and payment of funds if the institution is a Bible
4 college.

5 If the institution receiving funds under G.S. 116-19 through G.S. 116-22 is a Bible
6 college, then the State Education Assistance Authority shall enter into a contract with
7 the Bible college that includes the following terms:

8 (1) Payments under G.S. 116-19 and G.S. 116-20 shall be made only at
9 the end of that institution's academic year.

10 (2) At the end of each academic year, the institution shall certify the
11 number of North Carolina students enrolled at the institution for that
12 year and shall submit to the State Education Assistance Authority the
13 list of eligible students who completed their academic course of study
14 for that year.

15 (3) After receiving the list of eligible students, the State Education
16 Assistance Authority shall pay to each eligible student on the list the
17 fixed sum of money for that regular academic year based on the
18 appropriation made by the General Assembly."

19 SECTION 3. This act becomes effective July 1, 2001.

VISITOR REGISTRATION SHEET

UNIV.

Name of Committee

4/24/01

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Clifton B. Kretz

END OF

Hope Williams

NCICW

Julie Campbell

NCCRI

Tim Lowell

nicku

Les Ros

Ann

Gene Cauby

4CSFA

MINUTES
Education Subcommittee on Universities

April 25, 2001


The Education Subcommittee on Universities met on Wednesday, April 25, 2001 in Room 1425 of the Legislative Building at 8:30 am. The following members were present: Chair, Representative Verla Insko, Vice-Chair Phillip Haire and Representatives Barnhart, Esposito, Fox, Hilton, Michaux, and Owens. A Visitor Registration list is attached and made part of these minutes.

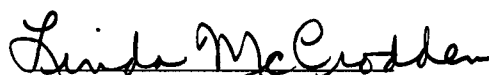
The Chair called the meeting to order and recognized Representative Owens, bill sponsor, to explain HB151, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LEGISLATIVE TUITION GRANT MAY BE PAID TO A STUDENT WHO ATTENDS A BIBLE COLLEGE THAT MEETS THE SAME CRITERIA AS OTHER PRIVATE SCHOOLS. Representative Insko addressed the constitutionality issue and the fiscal impact issue concerning this bill. Discussion followed by Chair, Representative Insko, Representatives Michaux, Owens, Hilton, Esposito, and Hope Williams from North Carolina Independent Colleges and Universities. Upon motion made by Vice-Chair Haire, the Committee voted without prejudice, and re-referred HB151 to APPROPRIATIONS/SUBCOMMITTEE ON EDUCATION.

The Chair recognized Representative Allred, bill sponsor, to explain HB1279, A BILL TO BE ENTITLED AN ACT TO CHANGE THE RESIDENCY REQUIREMENT TO QUALIFY FOR IN-STATE TUITION FROM ONE YEAR TO THREE YEARS. Chair, Representative Insko, Vice-Chair Haire, Representatives Barnhart, Michaux, Haire, Owens, Hilton, and Clifton Metcalf from University of North Carolina raised questions concerning military personnel, the issue of establishing in-state residency, subsidizing out of state students and maintaining good attendance in our Universities. Upon motion made by Representative Owens, the Committee voted to give HB1279 a favorable report as to committee substitute bill, which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be referred to the Committee on Rules, Calendar and Operations of the House.

There being no further business, the Chair adjourned the meeting.

Respectfully submitted,


Representative Verla Insko
Chair


Linda McCrodden
Committee Assistant

**2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative Insko (Chair) for the Permanent Subcommittee on Universities of the Standing Committee on **EDUCATION**.

- ☐ Committee Substitute for
H.B. 151 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A
LEGISLATIVE TUITION GRANT MAY BE PAID TO A STUDENT WHO ATTENDS A BIBLE
COLLEGE THAT MEETS THE SAME CRITERIA AS OTHER PRIVATE SCHOOLS.

REPORTED TO THE STANDING COMMITTEE ON **EDUCATION**

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- X Without prejudice, re-referred to APPROPRIATIONS/SUBCOMMITTEE ON EDUCATION.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE
DIRECTLY TO THE FLOOR OF THE HOUSE:

Representative _____ for the Standing Committee on _____.

s/ _____

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- ☐ With a favorable report as to committee substitute bill (# _____), ☐ which changes the title, unfavorable as to (original bill) (Committee Substitute Bill # _____). (and recommendation that the committee substitute bill (# _____) be referred to the Committee on _____ .)

02/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

1

HOUSE BILL 151

Short Title: Amend Leg. Tuition Grants.

(Public)

Sponsors: Representative Owens.

Referred to: Rules, Calendar, and Operations of the House.

February 19, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A LEGISLATIVE TUITION GRANT MAY BE PAID
TO A STUDENT WHO ATTENDS A BIBLE COLLEGE THAT MEETS THE
SAME CRITERIA AS OTHER PRIVATE SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-22 reads as rewritten:

"§ 116-22. Definitions applicable to §§ ~~116-19~~ G.S. 116-19 through G.S. 116-22.

As used in G.S. 116-19 through ~~116-22~~ G.S. 116-22:

- (1) 'Institution' shall mean an educational institution with its main campus located in this State that is not owned or operated by the State of North Carolina or by an agency or political subdivision of the State or by any combination thereof, that is accredited by the Southern Association of Colleges and Schools under the standards of the College Delegate Assembly of said Association and that is not a seminary, Bible school, ~~Bible college~~ or similar religious institution.
- (2) 'Student' shall mean a resident of North Carolina in accordance with definitions of residency that may from time to time be adopted by the Board of Governors of the University of North Carolina and published in the residency manual of said Board; and a person who has not received a bachelor's degree, or qualified therefor, and who is otherwise classified as an undergraduate under such regulations as the Board of Governors of the University of North Carolina may promulgate. The enrollment figures required by G.S. 116-19 through 116-22 shall be the number of full-time equivalent students as computed under regulations prescribed by the Board of Governors of the University of North Carolina. Qualification for in-State tuition under G.S. 116-143.3 makes a person a 'student' as defined in this subdivision."

1 **SECTION 2.** Article 1 of Chapter 116 of the General Statutes is amended by
2 adding a new section to read:

3 "§ 116-21A. Contract terms and payment of funds if the institution is a Bible
4 college.

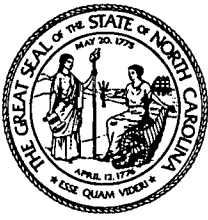
5 If the institution receiving funds under G.S. 116-19 through G.S. 116-22 is a Bible
6 college, then the State Education Assistance Authority shall enter into a contract with
7 the Bible college that includes the following terms:

8 (1) Payments under G.S. 116-19 and G.S. 116-20 shall be made only at
9 the end of that institution's academic year.

10 (2) At the end of each academic year, the institution shall certify the
11 number of North Carolina students enrolled at the institution for that
12 year and shall submit to the State Education Assistance Authority the
13 list of eligible students who completed their academic course of study
14 for that year.

15 (3) After receiving the list of eligible students, the State Education
16 Assistance Authority shall pay to each eligible student on the list the
17 fixed sum of money for that regular academic year based on the
18 appropriation made by the General Assembly."

19 **SECTION 3.** This act becomes effective July 1, 2001.



HOUSE BILL 151:

Amend Leg. Tuition Grants

BILL ANALYSIS

Committee: House Education Subcommittee
on Universities
Date: April 23, 2001
Version: 1st Edition

Introduced by: Representative Owens
Summary by: Kory Goldsmith
Committee Counsel

SUMMARY: *HB151 would provide legislative tuition grants to students who have completed an academic year at a North Carolina Bible College that is accredited by the Southern Association of Colleges and Schools (SACS). The act becomes effective July 1, 2001.*

CURRENT LAW: The General Assembly provides legislative tuition grants (LGC) to North Carolina residents who attend accredited private colleges and universities in North Carolina. Funds are provided to the individual institutions based upon the number of North Carolina residents attending in any particular year. However, the LGCs are not available to a seminary, Bible school, Bible college or similar religious institution.

BILL ANALYSIS:

Section 1 of the bill amends G.S. 116—22(1) to delete the prohibition against Bible colleges participating in the LGC program provided by the State of North Carolina.

Section 2 creates G.S. 116-21A which provides that if an institution is a Bible college, the State Education Assistance Authority (SEAA) shall enter into a contract that provides:

- That LGC funds shall be made available only at the end of the institution's academic year.
- That the college shall verify to the SEAA at the end of the year the number of eligible North Carolina students who were enrolled and completed the academic year.
- The SEAA shall pay to each eligible student the fixed sum of money based on the General Assembly's appropriation for that fiscal year.

BACKGROUND: G.S. 116-22(1) currently prohibits legislative tuition grants from going to "a seminary, Bible school, Bible college or similar religious institution." However, the grants may go to private colleges and universities that have a religious affiliation, but are not pervasively religious. Smith v. Bd. of Govs. of UNC, 429 F.Supp. 871 (1977), aff'd without opinion, 98 S. Ct. 39 (1978); see also, Roemer v. Board of Public Works of Maryland, 96 S. Ct. 2337 (1976). In the Smith case, the court found that the State of North Carolina could send legislative tuition grants to Belmont Abbey College and Pfeiffer College. First, the court noted that the parties agreed that the tuition grants served a secular purpose. Then the court looked very carefully at those aspects of the education that included religious study. The court determined that, although these schools have a presence of religion in the curriculum, the inculcation of religion was not the primary purpose of their liberal arts program. The court found that even if the aid indirectly assisted the a school with a religious affiliation, that was not sufficient to invalidate the aid on First Amendment Grounds.

The United States Supreme Court has held that a state grant of assistance that goes **directly** to a student who is enrolled in a program of religious study at a Christian College does not violate the Establishment Clause because the state aid flowed to the institution only as the result of the genuinely independent and private choice of the recipient. Witters v. Washington Depart. of Services for the Blind,

HOUSE BILL 151

Page 2

106 S. Ct. 748 (1985). That court analogized the situation to the state paying an employee who in turn donates some of the paycheck to a church. The case was decided on the record which simply showed that a blind student enrolled at a bible college and studying to be a minister was denied vocational rehabilitation funds due to the institution and the course of study.

H151-SMRC-01

**2001 PERMANENT SUBCOMMITTEE REPORT
HOUSE OF REPRESENTATIVES**

FOR RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE
The following report(s) from permanent sub committee(s) is/are presented:

By Representative Insko (Chair) for the Permanent Subcommittee on Universities of the Standing Committee on EDUCATION.

- ☐ Committee Substitute for
H.B. 1279 A BILL TO BE ENTITLED AN ACT TO CHANGE THE
RESIDENCY REQUIREMENT TO QUALIFY FOR IN-STATE TUITION FROM ONE YEAR TO
THREE YEARS.

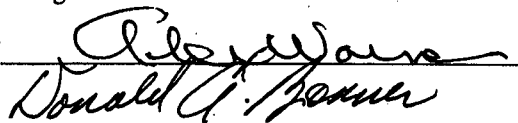
REPORTED TO THE STANDING COMMITTEE ON

RECOMMENDED ACTION:

- ☐ With a favorable recommendation.
- ☐ With a favorable recommendation and recommend that the bill be re-referred to the Committee on
- ☐ With a favorable recommendation, as amended.
- ☐ With a favorable recommendation, as amended, and recommend that the bill be re-referred to the Committee on
- ☐ With an unfavorable recommendation.
- ☐ With a favorable recommendation as to proposed committee substitute bill, ☐ which changes the title, unfavorable as to original bill.
- ☐ With a favorable recommendation as to proposed House committee substitute bill, ☐ which changes the title, unfavorable as to Senate committee substitute bill.
- ☐ Without prejudice.
- ☐ Other recommended action: _____

WITH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE
DIRECTLY TO THE FLOOR OF THE HOUSE:

Representatives Bonner and Warner for the Standing Committee on EDUCATION.

s/ 
Donald A. Bonner

- ☐ With a favorable report.
- ☐ With a favorable report, as amended.
- X With a favorable report as to committee substitute bill, X which changes the title, unfavorable as to original bill and recommendation that the committee substitute bill be referred to the Committee on Rules, Calendar and Operations of the House.

2/15/01

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2001

H

1

HOUSE BILL 1279

Short Title: UNC System/In-State Residency Requirement.

(Public)

Sponsors: Representatives Allred; Bowie, Gulley, Justus, Warner, Edwards, and Davis.

Referred to: Education.

April 12, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE RESIDENCY REQUIREMENT TO QUALIFY FOR IN-
3 STATE TUITION FROM ONE YEAR TO THREE YEARS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 116-143.1 reads as rewritten:

6 "§ 116-143.1. Provisions for determining resident status for tuition purposes.

7 (a) As defined under this section:

8 (1) A "legal resident" or "resident" is a person who qualifies as a
9 domiciliary of North Carolina; a "nonresident" is a person who does
10 not qualify as a domiciliary of North Carolina.

11 (2) A "resident for tuition purposes" is a person who qualifies for the
12 in-State tuition rate; a "nonresident for tuition purposes" is a person
13 who does not qualify for the in-State tuition rate.

14 (3) "Institution of higher education" means any of the constituent
15 institutions of the University of North Carolina and the community
16 colleges under the jurisdiction of the State Board of Community
17 Colleges.

18 (b) To qualify as a resident for tuition purposes, a person must have established
19 legal residence (domicile) in North Carolina and maintained that legal residence for at
20 least ~~12 months~~ three years immediately prior to his or her classification as a resident
21 for tuition purposes. Every applicant for admission shall be required to make a
22 statement as to his length of residence in the State.

23 (c) To be eligible for classification as a resident for tuition purposes, a person
24 must establish that his or her presence in the State currently is, and during the requisite
25 ~~12-month~~ three-year qualifying period was, for purposes of maintaining a bona fide
26 domicile rather than of maintaining a mere temporary residence or abode incident to
27 enrollment in an institution of higher education.

(d) An individual shall not be classified as a resident for tuition purposes and, thus, not rendered eligible to receive the in-State tuition rate, until he or she has provided such evidence related to legal residence and its duration as may be required by officials of the institution of higher education from which the individual seeks the in-State tuition rate.

(e) When an individual presents evidence that the individual has living parent(s) or court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be prima facie evidence of the individual's legal residence, which may be reinforced or rebutted relative to the age and general circumstances of the individual by the other evidence of legal residence required of or presented by the individual; provided, that the legal residence of an individual whose parents are domiciled outside this State shall not be prima facie evidence of the individual's legal residence if the individual has lived in this State the five consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

(f) In making domiciliary determinations related to the classification of persons as residents or nonresidents for tuition purposes, the domicile of a married person, irrespective of sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent. For purposes of this section:

(1) No person shall be precluded solely by reason of marriage to a person domiciled outside North Carolina from establishing or maintaining legal residence in North Carolina and subsequently qualifying or continuing to qualify as a resident for tuition purposes;

(2) No persons shall be deemed solely by reason of marriage to a person domiciled in North Carolina to have established or maintained a legal residence in North Carolina and subsequently to have qualified or continued to qualify as a resident for tuition purposes;

(3) In determining the domicile of a married person, irrespective of sex, the fact of marriage and the place of domicile of his or her spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.

(g) Any nonresident person, irrespective of sex, who marries a legal resident of this State or marries one who later becomes a legal resident, may, upon becoming a legal resident of this State, accede to the benefit of the spouse's immediately precedent duration as a legal resident for purposes of satisfying the ~~12-month~~ three-year durational requirement of this section.

(h) No person shall lose his or her resident status for tuition purposes solely by reason of serving in the armed forces outside this State.

(i) A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in a State institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-State tuition rate for a statutory grace period. This grace period shall be measured from the date on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months; provided, that a resident's marriage

1 to a person domiciled outside of North Carolina shall not be deemed a culminating
2 circumstance even when said resident's spouse continues to be domiciled outside of
3 North Carolina; and provided, further, that if the 12-month period ends during a
4 semester or academic term in which such a former resident is enrolled at a State
5 institution of higher education, such grace period shall extend, in addition, to the end of
6 that semester or academic term.

7 (j) Notwithstanding the prima facie evidence of legal residence of an individual
8 derived pursuant to subsection (e), notwithstanding the presumptions of the legal
9 residence of a minor established by common law, and notwithstanding the authority of a
10 judicially determined custody award of a minor, for purposes of this section, the legal
11 residence of a minor whose parents are divorced, separated, or otherwise living apart
12 shall be deemed to be North Carolina for the time period relative to which either parent
13 is entitled to claim and does in fact claim the minor as a dependent for North Carolina
14 individual income tax purposes. The provisions of this subsection shall pertain only to a
15 minor who is claimed as a dependent by a North Carolina legal resident.

16 Any person who immediately prior to his or her eighteenth birthday would have
17 been deemed under this subsection a North Carolina legal resident but who achieves
18 majority before enrolling at an institution of higher education shall not lose the benefit
19 of this subsection if that person:

- 20 (1) Upon achieving majority, acts, to the extent that the person's degree of
21 actual emancipation permits, in a manner consistent with bona fide
22 legal residence in North Carolina; and
23 (2) Begins enrollment at an institution of higher education not later than
24 the fall academic term next following completion of education
25 prerequisite to admission at such institution.

26 (k) Notwithstanding other provisions of this section, a minor who satisfies the
27 following conditions immediately prior to commencement of an enrolled term at an
28 institution of higher education, shall be accorded resident tuition status for that term:

- 29 (1) The minor has lived for five or more consecutive years continuing to
30 such term in North Carolina in the home of an adult relative other than
31 a parent, domiciled in this State; and
32 (2) The adult relative has functioned during those years as a de facto
33 guardian of the minor and exercised day-to-day care, supervision, and
34 control of the minor.

35 A person who immediately prior to his or her eighteenth birthday qualified for or
36 was accorded resident status for tuition purposes pursuant to this subsection shall be
37 deemed upon achieving majority to be a legal resident of North Carolina of at least ~~12~~
38 ~~months~~ three years duration; provided, that the legal residence of such an adult person
39 shall be deemed to continue in North Carolina only so long as the person does not
40 abandon legal residence in this State.

41 (l) Any person who ceases to be enrolled at or graduates from an institution of
42 higher education while classified as a resident for tuition purposes and subsequently
43 abandons North Carolina domicile shall be permitted to reenroll at an institution of
44 higher education as a resident for tuition purposes without necessity of meeting the ~~12-~~

1 ~~month-three-year~~ durational requirement of this section if the person reestablishes North
2 Carolina domicile within 12 months of abandonment of North Carolina domicile and
3 continuously maintains the reestablished North Carolina domicile at least through the
4 beginning of the academic term(s) for which in-State tuition status is sought. The
5 benefit of this subsection shall be accorded not more than once to any one person."

6 **SECTION 2.** This act is effective when it becomes law and applies to
7 persons applying for admission for academic periods beginning on or after July 1, 2001.
8 This act does not apply to a person already enrolled as a full-time student at a
9 constituent institution of The University of North Carolina before July 1, 2001.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

D

**HOUSE BILL 1279
PROPOSED COMMITTEE SUBSTITUTE H1279-PCS7223-RC-39**

Short Title: Study Higher Ed. Residency Reqs.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT
COMMITTEE TO STUDY THE CURRENT REQUIREMENTS TO QUALIFY
FOR IN-STATE TUITION.

The General Assembly of North Carolina enacts:

SECTION 1. The Joint Legislative Education Oversight Committee shall study the current requirements to qualify as a North Carolina resident for tuition purposes. In particular, the Committee shall examine whether the required 12 months' residency should be increased to three years, other states' requirements, and the impact on students and State revenues of any proposed changes. The Committee shall report any recommendations to the 2002 Regular Session of the 2001 General Assembly.

SECTION 2. This act is effective when it becomes law.

VISITOR REGISTRATION SHEET

EDUCATION/ UNIVERSITIES

4-25-01

Name of Committee**Date**

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME _____

FIRM OR AGENCY AND ADDRESS

Viktor B. Metcalf

and of

Tom Maloney

NCICU

Frances Verpsey

NCI cu

Hal Miller

Defect

Des Ros

ACK

Shirley Jacob

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