2003-2004

HOUSE EDUCATION UNIVERSITIES

COMMITTEE MINUTES

HOUSE COMMITTEE ON EDUCATION

Subcommittee on Universities

2003

Co-Chairs:

Rep. Joanne Bowie Rep. Mary McAllister

Committee Assistants:
Sharon Gaudette
Johnna Smith

Staff:

Dee Atkinson, Staff Research Drupti Chauhan, Staff Attorney Sara Kamprath, Staff Attorney

Education/subcommittee On Universities

MEMBER		ASSISTANT	PHONE	OFFICE	SEAT
Bowie, Joni	Co-Chair	Sharon Gaudette	733-5877	538	78
McAllister, Mary	Co-Chair	Johnna Smith	733-5959	638	58
Holmes, George	Vice-Chair	Glenda Jacobs	733-5654	1211	77
Rapp, Ray	Vice-Chair	Dot Barber	733-5732	2213	118
Barnhart, Jeff		Pamela Ahlin	715-2009	608	76
Daughtridge, Bill		Monica Saunders	733-5802	604	66
Dickson, Margaret		Jennifer Edwards	733-5776	1219	91
Fox, Stan		Mary Capps	733-5758	2123	46
Grady, Robert		Peggy Murray	715-9644	302A	4
Haire, Phil		Sara Jane Lennard	715-3005	419B	47
Insko, Verla		Pam Evans	733-7208	2121	70
Michaux, Mickey		Anita Wilder	715-2528	1227	57
Miner, David		Susan Phillips	733-5934	2204	6
Moore, Tim		Nancy Garriss	733-4838	502	53
Ross, Deborah		Cleta Covington	733-5773	2223	104
Stiller, Bonner		Ferebee Stainback	733-5974	508	29
Brubaker, Harold	Ex-Officio	Cindy Coley	715-4946	1229	2
Culpepper, Bill	Ex-Officio	Dot Crocker	715-3028	404	36
Cunningham, Pete	Ex-Officio	Valerie Ruston	733-5778	541	7
Eddins, Rick	Ex-Officio	Dorie Monroe	733-5828	1002	26
Atkinson, Dee	Staff Research		733-2578		
Kamprath, Sara	Staff Attorney				
Chauhan, Drupti	Staff Attorney				

NORTH CAROLINA GENERAL ASSEMBLY **Education Subcommittee On Universities** 2003 - 2004 SESSION



Ex-officio

Ex-officio

Ex-officio

ATTENDANCE

Education Subcommittee On Universities

DATES	4	4/0	4	4/	4	4/	4	5/							
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Rep. Joanne Bowie, Co-Chair	V	/	/			/				,					
Rep. Mary McAllister, Co-Chair	/	/		/	/		1	/							
Rep George Holmes, Vice-Chair		/	/					V							
Rep. Ray Rapp, Vice-Chair	V	/	V	V	/		✓	/							
Rep. Jeff Barnhart		/													
Rep. Bill Daughtridge	1	/		/		/	/	/							
Rep. Margaret Dickson	/	/				/		/							
Rep. Stan Fox	/					\	/	/					<u> </u>		
Rep. Robert Grady	/														
Rep. Phil Haire	V			/			✓	✓							
Rep. Verla Insko	V	V	<u> </u>					/	ļ				<u> </u>		
Rep. Mickey Michaux	V							/				ļ			
Rep. David Miner	V	/					/					ļ <u>.</u>			
Rep. Tim Moore	V	V	V		<	✓									
Rep. Deborah Ross	/	/	V		1	/		V							
Rep. Bonner Stiller	V	<u> </u>		✓			V	✓							
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Rep. Harold Brubaker, Ex-Officio	ļ	<u> </u>		/							ļ				
Rep. Bill Culpepper, Ex-Officio					_										
Rep. Pete Cunningham, Ex-Officio							-								<u> </u>
Rep. Rick Eddins, Ex-Officio	/	/										<u> </u>		<u> </u>	
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North Carolina General Assembly Through House Committee on Education Subcommittee on Universities

Date:

Time:

07/24/2003

12:30

Page: 001 of 001 2003-2004 Biennium Leg. Day: H-102/S-102In Date Out Date Short Title Latest Action Bill Introducer *H Re-ref Com On 03-17-03 04-14-03 051 McAllister UNC TUITION/MILITARY STUDENTS. Finance Re-ref Com On 04-15-03 04-16-03 H0051 McAllister UNC TUITION/MILITARY Finance STUDENTS. *H Pres. To Gov. 7/ 03-17-03 04-14-03 H0150 Owens ESTABLISH STATE EDUCATION GRANTS. 19/2003 *H Pres. To Gov. 7/ 04-15-03 04-16-03 ESTABLISH STATE H0150 Owens 19/2003 EDUCATION GRANTS. H Ref To Com On UNC/BOG STUDENT 03-20-03 04-03-03 H0506 Adams MEMBER VOTE. Rules and Operations of the Senate H Ref To Com On UNC/BOG STUDENT 04-15-03 04-16-03 H0506 Adams MEMBER VOTE. Rules and Operations of the Senate INCREASE OUT-OF-STATE H Assigned To 04-02-03 H0567 Allred Education TUITION/UNC SYSTEM. Subcommittee on Universities *HR Ch. SL 2003-194 04-01-03 04-24-03 H0825 Grady MENINGITIS IMMUNIZATION INFO. APPALACHIAN STATE/ HR Ch. SL 2003-213 H0928 Brubaker 04-08-03 04-23-03 REGULATE PARKING. *HR Ch. SL 2003-228 H0975 Brubaker UNC PURCHASING 04-09-03 04-29-03 FLEXIBILITY. UNC/ADD NONSMOKING *HR Ch. SL 2003-292 H1016= Haire 04-10-03 04-24-03 AREAS. 1070 Miner PURCHASE CONTRACTS/ *HR Ch. SL 2003-312 04-10-03 04-23-03 INCREASE UNC BENCHMARK. 04-10-03 04-28-03 H1071= Miner UNC FLEXIBLE BENEFITS H Re-ref Com On CLARIFICATION. Appropriations CAMPUS INITIATED H Re-ref Com On H1195 Gorman 04 - 24 - 03Education TUITION & FEE Subcommittee on INCREASE. Universities *HR Ch. SL 2003-239 S0706 Patrick J. Balla UNIVERSITY ATHLETIC 04-22-03 05-28-03

FACILITIES EXEMPTION.

^{&#}x27;\$' 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.

North Carolina General Assembly Pending House Committee on

07/24/2003 Date: Time: 12:30

Education Subcommittee on Universities Page: 001 of 001 Leg. Day: H-102/S-102

2003-2004 Biennium

567

H1195

Short Title Date Latest Action

H 04-02-2003 Assigned To Education INCREASE OUT-OF-STATE

TUITION/UNC SYSTEM. Subcommittee on Universities

H 04-24-2003 Re-ref Com On Education CAMPUS INITIATED TUITION & FEE Subcommittee on Universities

INCREASE.

'\$' indicates the bill is an appropriations bill. A bold line indicates the bill is an appropriations bill. indicates that the text of the original bill was changed by some action. '=' indicates that the original bill is identical to another bill.

MEETING MINUTES

EDUCATION Subcommittee on Universities

April 3, 2003

The House EDUCATION/subcommittee on Universities met on Thursday April 3, 2003 at 11:00 a.m. in Room 424 of the Legislative Office Building. The following members were present: Co-Chairs Mary McAllister and Joanne Bowie; Vice Chair, Ray Rapp; Representatives Daughtridge, Dickson, Foxx, Grady, Haire, Insko, Michaux, Miner, Moore, Stiller; Ex-Officio, Rick Eddins and Staff Members Drupti Chauhan, Sara Kamprath and Dee Atkinson.

Co-Chair Mary McAllister called the meeting to order. The visitors were welcomed and then the committee members introduced themselves. Co-Chair McAllister also recognized her Legislative Committee Assistant, Johnna Smith.

The following bills were considered:

HB 506, UNC/BOG Student Member Vote, AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

Representative Adams, bill co-sponsor, was recognized to explain the bill. Representative Adams recognized Representative Jones as a bill co-sponsor. Representative Adams then recognized a representative of the Student University Policy, Jonathan Ducote, to further discuss the purpose of the bill. Committee discussion took place and upon motion made by Representative Ross, HB 506 was voted a favorable report and was rereferred to the Education Committee. Refer to meeting minutes dated Wednesday April 16, 2003.

HB 150, Amend Leg. Tuition Grants, AN ACT TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.

Co-sponsors Representatives Owens and Stam explained the bill. Committee discussion took place and upon motion made by Representative Insko to recommend a fiscal note for HB 150, the bill was voted a favorable report by the committee. Refer to meeting minutes dated Wednesday April 9, 2003 and April 16, 2003.

There being no further business, the Chair adjourned the meeting at 11:55 pm.

Respectfully submitted by,

Representative McAllister

Presiding Co-Chair

Johnna C. Smith
Committee Assistant

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on EDUCATION/Subcommittee On Universities will meet as follows:

Oniversities will in	neet as follows.	
DAY & DATE:	Thursday, April 3, 2003	
TIME:	11:00 AM	
LOCATION:	425 LOB	
The following bills	will be considered (Bill # & S	Short Title & Bill Sponsor):
	Leg. Tuition Grants – OG Student Member Vote	Sponsors: Reps., Owens & Stam Sponsors: Reps., Adams & Jones
	Respectfully Representat Co-Chairs	v, ive Bowie and McAllister
hereby certify this 2:45 pm on Thurse	notice was filed by the comm lay, March 27, 2003.	ittee assistant at the following offices at
Principa Reading	l Clerk Clerk - House Chamber	
Sharon Gaudette and	d Johnna Smith (Committee A	ecictante)

MEETING AGENDA

EDUCATION/ Subcommittee on Universities

April 3, 2003 Room 425 LOB 11:00 a.m.

CALL TO ORDER:

- ---Representative Mary McAllister, CHAIR
- ---Introduction of Committee Members

BILL CONSIDERATION:

- HB 506 UNC/BOARD OF GOVERNORS STUDENT
 MEMBER VOTE
 Primary Sponsors: Representatives Adams and
 Jones
- HB 150 AMEND LEGISLATIVE TUITION GRANTS
 Primary Sponsors: Representatives Stam and
 Owens
- STAFF: Drupti Chauhan
 Sara Kamprath
 Dee Atkinson

VISITOR REGISTRATION SHEET

EDUCATION/SUBCOMMITTEE ON UNIVERSITIES

4-3-03

Name of Committee

Date'

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Elizaboth McDuffie	NC State Ed. Assistance Auth.
7 Gran	NERA
Barbara Canala	
HapeWithrans	Neicu
Lillaures	Nejeu
Paul Stam	NCHome
Patricia Camp	Aclu
Fat O Garan	ACLU
Earl Jones	Legislator
funtha Ducote	UNC BOB Zeve Brdo Hillshirst 27607
Mark Flemin	U-insty System

VISITOR REGISTRATION SHEET

EDUCATION/SUBCOMMITTEE ON UNIVERSITIES

4-3-03

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME	FIRM OR AGENCY AND ADDRESS
Allison Kriston,	
Rebecca, Ducote	102 Shwarelook M. WL GA3108A
Rebecco, Troutman	1121 Smith Chapel Fd Met Olive 710
Quie Alle	NC Statewatch
Macketleming	UNC
Frank Johnson	Health acta, soc 200 Silvey. A C

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NAME	anabis Holliwield		
SPONSOR	Rep. Gillespie	· .	· ·
COUNTY_	McDowell		
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NAME	Miranda Arrowood		
SPONSOR_	Rep. Gilespie		
COUNTY	ile wazan	•	

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Bob Fowler
Jackson Stencil

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 506

Short Title:	UNC/BOG Student Member Vote.	(Public
Sponsors:	Representatives Adams, Jones (Primary Sponsors); Weiss.	Glazier, Jeffus, and
Referred to:	Education.	
•	March 17, 2003	
	A BILL TO BE ENTITLED	
AN ACT TO	PROVIDE THAT THE STUDENT MEMBER OF	THE BOARD OF
	ORS OF THE UNIVERSITY OF NORTH CAROLI	
	IE RIGHT TO VOTE AS ALL OTHER MEMBERS.	
	Assembly of North Carolina enacts:	
	CTION 1. G.S. 116-6.1 reads as rewritten:	•
- •	tudent member of the Board of Governors.	
	nmencing July 1, 1991, and during his continuance a	s a student in good
	constituent institution of The University of North C	
	resident of the University of North Carolina Asso	
	(UNCASG) or his designee shall serve ex officio a	
	vernors. This student member shall be in addition t	
	Board of Governors.	
	student member shall have all the rights and privileg	ges of membership.
	shall not have a vote. membership."	,
	CTION 2. This act is effective when it becomes law.	



HOUSE BILL 506: UNC/BOG Student Member Vote

Committee: House Education Subcommittee

on Universities

Date:

April 3, 2003

Version:

First

Introduced by: Reps. Adams and Jones

Summary by: Dee Atkinson

Research Assistant

SUMMARY: House Bill 506 would give the student member of the UNC Board of Governors the right to vote. The bill is effective when it becomes law.

The UNC Board of Governors is composed of thirty-two voting members serving **CURRENT LAW:** staggered four-year terms. Each long session, the General Assembly elects sixteen members to the Board. The Senate and the House of Representatives separately elect eight members to fill the vacancies on the Board.

Former board chairmen, who have served at least one full term, may continue to serve on the Board for an additional four-year term after their regular elected term has expired. Board members who are former North Carolina governors and have served at least one term on the Board may continue to serve. The Board members who are former board chairmen or former North Carolina governors are non-voting members emeriti but have all the other rights and privileges of serving on the Board.

Currently, the student serving as the president of the UNC Association of Student Governments (UNCASG) or his designee is a non-voting ex officio member of the Board. The UNC Association of Student Governments is composed of the student body Presidents of the sixteen constituent institutions. Typically, UNCASG elects a new president each year.

House Bill 506 changes the status of the student member of the UNC Board of BILL ANALYSIS: Governors from non-voting to voting. This change would increase the number of voting members on the Board from thirty-two to thirty-three. The bill also makes clear that the student member on the Board is the current president of the UNC Association of Student Governments and is not the president's designee.

There are student members on the State Board of Community Colleges and the BACKGROUND: individual community college board of trustees, but they do not vote. The student member on the board of trustees of some of the UNC institutions is allowed to vote and on some campuses the student member is not allowed to vote.

Sara Kamprath contributed substantially to this summary

HB506-SMSM-001

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 150 PROPOSED COMMITTEE SUBSTITUTE H150-CSRQ-7 [v.2]

4/2/2003 7:49:41 PM

•	Short Title: I	Establish State Education Grants.	(Public)
	Sponsors:		
	Referred to:	·	
		March 3, 2003	
1		A BILL TO BE ENTITLED	
2	AN ACT TO	PROVIDE CRITERIA FOR AWARDING STATE	GRANTS TO
3		S ATTENDING CERTAIN ACCREDITED INST.	
4		DUCATION.	,
5		ssembly of North Carolina enacts:	
6	SEC	TION 1. Part 5 of Article 1 of Chapter 116 of the Ge	eneral Statutes is
7		ding the following new section:	
8	" <u>§ 116-43.5</u>	State grants to aid eligible students attending of	
9		utions of higher education; administrative procedure	<u>.</u>
10		<u>itions. – The following definitions apply in this section:</u>	
11	(1)	"Institution" means a nonprofit educational institution	
12		permanent campus located in this State that satis	fies all of the
13		following:	
14		a. Is not owned or operated by the State of North	
15		an agency or political subdivision of the Si	tate or by any
16 17		combination thereof.	
18		b. Is accredited by the Southern Association o	
19		Schools under the standards of the College Delof of the Association.	egate Assembly
20			2 116 15
21	••	 d. Awards a postsecondary degree as defined in G.S. d. Its students are not eligible for a similar state. 	
22		another state program.	ne grain under
23	<u>(2)</u>	"Main permanent campus" means a campus that is	owned by the
24	<u>, — /</u>	institution that provides permanent on-premises	
25		services, and classrooms with full-time faculty	
26		administration that engage in postsecondary degree act	
27		in G.S. 116-15.	

- "Student" means a person enrolled in and attending an institution (3) 1 2 located in the State (i) who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be 3 adopted by the Board of Governors of The University of North 4 5 Carolina and published in the residency manual of the Board, and (ii) who has not received a bachelors degree, or qualified therefor, and 6 7 who is otherwise classified as an undergraduate under such regulations 8 as the Board of Governors of The University of North Carolina may promulgate. Qualification for in-State tuition under G.S. 116-143.3 9 10 makes a person a "student" as defined in this subdivision. Eligibility. – A student is eligible for a state grant under this section for an 11 (b) academic year if the student is a full-time North Carolina undergraduate student 12 attending an institution as defined by this section and is not eligible for a similar state 13 grant under another state program for the same academic year. 14 15
 - (c) Administration. The state grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall pay the state grant to each student eligible under this section. The amount of the grant shall be determined by the General Assembly. The state grant shall be paid to a student only after the student completes the academic year. The grant shall be paid directly to the student on or after July 1 following the completion of the academic year. The State Education Assistance Authority shall not remit any grant until it receives proper certification from an institution that the student applying for the grant is an eligible student.
 - (d) Shortfall. In the event there are not sufficient funds to provide each eligible student with a full grant:
 - (1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by this section; and
 - (2) Each eligible student shall receive a pro rata share of funds then available for the appropriate academic year within the fiscal period covered by the current appropriation.
 - (e) Reversion. Any remaining funds shall revert to the General Fund."
 - (f) A state grant authorized by this act shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours.
 - (g) The state grant shall not be used for any student who:
 - (1) Is incarcerated in a State or federal correctional facility for committing a Class A, B, B1, or B2 felony; or
 - (2) Is incarcerated in a State or federal correctional facility for committing a Class C through I felony and is not eligible for parole or release within 10 years.

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SECTION 2. This act becomes effective July 1, 2003, and applies to the 2 2003-2004 academic year and each year thereafter.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

Short Title: Amend Leg. Tuition Grants.

HOUSE BILL 150

Sponsors: Representatives Owens, Stam (Primary Sponsors); and Eddins. Referred to: Education. March 3, 2003 1 A BILL TO BE ENTITLED 2 AN **ACT** TO **PROVIDE ALTERNATE** CRITERIA FOR AWARDING 3 **LEGISLATIVE** TUITION **GRANTS** TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION. 4 The General Assembly of North Carolina enacts: 5 SECTION 1. Article 1 of Chapter 116 of the General Statutes is amended by 6 adding the following new section: 7 "§ 116-25.1. Legislative tuition grants to aid eligible students attending certain 9. private institutions of higher education; different administrative 10 procedure. Definitions. – The following definitions apply in this section: 11 (a) "Institution" means a nonprofit educational institution with a main 12 permanent campus located in this State that satisfies all of the 13 14 following: 15 Is not owned or operated by the State of North Carolina or by <u>a.</u> 16 an agency or political subdivision of the State or by any 17 combination thereof. 18 Is accredited by the Southern Association of Colleges and <u>b.</u> 19 Schools under the standards of the College Delegate Assembly 20 of the Association. 21 Awards a postsecondary degree as defined in G.S. 116-15. 22 "Main permanent campus" means a campus that is owned by the (2) 23 institution that provides permanent on-premises housing, food 24 services, and classrooms with full-time faculty members and administration that engage in postsecondary degree activity as defined 25 26 in G.S. 116-15. 27 "Student" means a person enrolled in and attending an institution (3) 28 located in the State (i) who qualifies as a resident of North Carolina in 29 accordance with definitions of residency that may from time to time be

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adopted by the Board of Governors of The University of North Carolina and published in the residency manual of the Board, and (ii) who has not received a bachelors 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. Qualification for in-State tuition under G.S. 116-143.3 makes a person a "student" as defined in this subdivision.

- (b) Eligibility. A student is eligible for a legislative tuition grant under this section for an academic year if the student is a full-time North Carolina undergraduate student attending an institution as defined by this section and is not eligible for a legislative tuition grant under G.S. 116-21.2 for the same academic year.
- shall be administration. The legislative tuition grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall pay the legislative tuition grant to each student eligible under this section. The amount of the grant shall be the same sum as determined by the General Assembly under G.S. 116-21.2. The legislative tuition grant shall be paid to a student only after the student completes the academic year. The grant shall be paid directly to the student on or after July 1 following the completion of the academic year. The State Education Assistance Authority shall not remit any grant until it receives proper certification from an institution that the student applying for the grant is an eligible student.
- (d) Shortfall. In the event there are not sufficient funds to provide each eligible student with a full grant:
 - (1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by this section; and
 - (2) Each eligible student shall receive a pro rata share of funds then available for the appropriate academic year within the fiscal period covered by the current appropriation.
 - (e) Reversion. Any remaining funds shall revert to the General Fund." SECTION 2. G.S. 116-21.3(d) reads as rewritten:
- "(d) A legislative tuition grant authorized under G.S. 116-21.2 or G.S. 116-25.1 shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours."

SECTION 3. G.S. 116-21.4(b) reads as rewritten:

- "(b) Expenditures made pursuant to G.S. 116-19, 116-20, 116-21.1, or 116-21.2 116-21.2, or 116-25.1 shall not be used for any student who:
 - (1) Is incarcerated in a State or federal correctional facility for committing a Class A, B, B1, or B2 felony; or
 - (2) Is incarcerated in a State or federal correctional facility for committing a Class C through I felony and is not eligible for parole or release within 10 years."

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43 44 SECTION 4. This act becomes effective July 1, 2003, and applies to the 2 003-2004 academic year and each year thereafter.



HOUSE BILL 150: Amend Leg. Tuition Grants

BILL ANALYSIS

Committee: House Education Subcommittee

on Universities

Date:

March 31, 2003

Version:

PCS to First Edition

Introduced by: Reps. Owens and Stam

Summary by:

Drupti Chauhan Committee Counsel

SUMMARY: House Bill 150 would allow eligible students at certain private colleges that award postsecondary degrees to receive the legislative tuition grants that are currently provided to eligible North Carolina undergraduate students attending private colleges in North Carolina. This bill would establish a different administrative procedure for the disbursement of the legislative tuition grants to the undergraduate students attending some private colleges.

The PCS changes the General Statute section number from G.S. 116-25.1 to G.S. 116-43.5. In addition, the PCS titles the grants provided in this bill as state grants and eliminates references to the legislative tuition grants provided under G.S.116-21.2

Under the current law, North Carolina undergraduate students who attend private educational institutions that are seminaries, Bible schools, Bible colleges, or "other similar religious institutions" are not eligible to receive the legislative tuition grants that are granted to other North Carolina undergraduate students who attend private educational institutions in the State. Currently, the State provides \$1800.00 for each North Carolina undergraduate student who meets the definition of student and attends an eligible institution. The State Education Assistance Authority distributes the money to the approved institutions which then credit the students' accounts in the amount of the grant.

BILL ANALYSIS: This bill would establish a different administrative procedure to provide legislative tuition grants to eligible North Carolina undergraduate students who attend a private nonprofit educational institution that is not owned or operated by the State, is accredited by the Southern Association of Colleges and Schools, and awards a postsecondary degree as it is defined in G.S. 116-15. A student is eligible if the student is a full-time student attending the institutions defined in this bill.

The bill directs the State Education Assistance Authority (SEAA) to adopt rules to administer the legislative tuition grants provided for in the bill. The SEAA is further directed to pay the legislative tuition grants directly to the eligible students and the amount of the grant will be the same as the grant to students attending other private colleges as determined by the General Assembly. The legislative tuition grant can be paid to the student only after he or she completes the academic year and the SEAA must receive proper certification from the institution that the student is eligible. Sections 2 and 3 of the bill make conforming changes in the statutes. The first disbursement of money would be in the second year of this biennium (July, 2004).

The PCS changes the General Statute section number to G.S. 116-43.5, changes the name of the legislative tuition grants awarded in the bill to state grants and eliminates references to the legislative tuition grant program under G.S. 116-25.1.

BACKGROUND/CONSTITUTIONAL QUESTIONS: Because this bill provides for a different procedure and possibly a different program to distribute State money to eligible students attending educational institutions that are religious in nature, there could be some Constitutional issues concerning the First Amendment of the United States Constitution.

HOUSE BILL 150

Page 2

There have been a number of cases that have addressed similar issues but the factual situations in those cases have differed in some way from what is proposed in this bill. In Smith v. Bd. Of Govs. of UNC, 429 F. Supp. 871 (WDNC, 1977), aff'd without opinion, 98 S.Ct. 2337 (1978), the Court held that North Carolina could send legislative tuition grants to Belmont Abbey College and Phieffer College, on the basis that State aid in the form of tuition grants served a secular purpose (ie: education). The Court determined that although these schools had a presence of religion in their curriculum, the inculcation of religion was not the primary purpose of their programs. Therefore even if the aid indirectly assisted a school with a religious affiliation, that alone was not sufficient to invalidate the aid on First Amendment grounds. A couple of United States Supreme Court cases have also allowed State money to flow to religious schools. In Witters v. Washington Dept. of Services for the Blind, 106 S. Ct. 748 (1986), a state grant of assistance that went directly to the students who then in turn applied it to their accounts at their institutions was deemed to not be in violation of the First Amendment because the aid went to the private religious schools as a result of the independent and private choice of the student. State programs that are entirely neutral in offering education without reference to religion do not violate the First Amendment according to the Court in Witters. The Supreme Court came to a similar conclusion recently in Zelman v. Harris, 122 S. Ct. 2460 (2002) where it upheld the Ohio school voucher program because the voucher program itself was designed to be neutral and provided assistance directly to students who then take the money and direct it towards the schools of their choice, either religious or non-religious.

Furthermore, it should be noted that a Court would probably also consider whether a particular statute complies with the First Amendment by examining whether the law has a secular purpose. A state program designed specifically for the disbursement of money to religious schools may not withstand that scrutiny. Even placing the state grant program provided for in this bill under the larger umbrella of the legislative tuition grant program could still be viewed by a Court as an attempt to subvert State money to schools that are religious in nature and circumvent the First Amendment.

It should also be noted that federal aid (such as Pell Grants) currently does go to religiously oriented schools such as Bible colleges and that aid is distributed to the schools in the students' names.

EFFECTIVE DATE: This act becomes effective July 1, 2003 and applies to the 2003-2004 academic year and each year thereafter.

State v. Hammonds, 141 N.C. App. 152, 541 S.E.2d 166 (2000).

Defendant Denied Right to Speedy Trial. — Where defendant's case did not occur until nearly three years from the date of arrest for trafficking in cocaine by transporting cocaine, and during that time the case was placed on the trial calendar thirty-one times, but never called by the district attorney, and essential witness was no longer available at time of trial, defendant suffered substantial prejudice, and was denied his right to a speedy trial. State v. Chaplin, 122 N.C. App. 659, 471 S.E.2d 653 (1996).

Balancing the four factors enunciated in Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972), defendant was not denied the right to a speedy trial and there was no reasonable probability that had counsel advanced a motion to dismiss based on denial of that right, the result of the proceeding would have been different. State v. Johnson, 124 N.C. App. 462, 478 S.E.2d 16 (1996).

Where there was some prejudice to defendant caused by the delay in her trial, the weight of it in the balancing process was diminished by the absence of any impairment to her defense against the criminal charge and the absence of substantial pretrial incarceration. State v. Webster, 337 N.C. 674, 447 S.E.2d 349 (1994).

Foreign Custody and Absence of Prejudice as Factors in Denying Speedy Trial Violation. — Defendant was not denied his right to a speedy trial by the delay between his indictment in November, 1977 and his trial in July, 1979, where he was either in federal custody or in custody in South Carolina except from February to September, 1978 and March to July, 1979, and the remaining time fell short of denying defendant his constitutional right to a speedy trial because there was no evidence that any of the delay for which this State was responsible prejudiced his case or his ability to present his defense. State v. Lynch, 300 N.C. 534, 268 S.E.2d 161 (1980).

Sec. 19. Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Cross References. — As to the rights of the defendant in a criminal prosecution, see N.C. Const., Art. I, § 23. For provision that no person shall be excluded from jury service on account of sex, race, color, religion or national origin, see N.C. Const., Art. I, § 26.

History. — The provisions of this section are similar to those of Art. I, § 17, Const. 1868.

Legal Periodicals. — For article on eminent domain in North Carolina, see 35 N.C.L. Rev. 296 (1957).

For note on right of confrontation at presentence investigation, see 41 N.C.L. Rev. 260 (1963).

For comment on the cul-de-sac doctrine, see 44 N.C.L. Rev. 850 (1966).

For case law survey as to eminent domain, see 44 N.C.L. Rev. 941, 1003 (1966).

For case law survey as to due process and double jeopardy, see 45 N.C.L. Rev. 881 (1967). For case law survey as to right to notice and

hearing, see 45 N.C.L. Rev. 883 (1967).

For case law survey as to property rights, see

45 N.C.L. Rev. 887 (1967). For comment on the public purpose doctrine,

see 3 Wake Forest Intra. L. Rev. 37 (1967).

For note on statutory requirement of safety helmets for motorcyclists, see 6 Wake Forest Intra. L. Rev. 349 (1970).

For article surveying recent decisions by the North Carolina Supreme Court in the area of criminal procedure, see 49 N.C.L. Rev. 262 (1971).

For note analyzing possible constitutional barriers to judicial abrogation of contractual governmental immunity, see 12 Wake Forest L. Rev. 1082 (1976).

For note on use of physical restraints on defendant during trial, see 13 Wake Forest L. Rev. 231 (1977).

For note on the use of state constitutional law to void occupational licensing statutes which unreasonably restrict freedom of occupational choice, see 13 Wake Forest L. Rev. 507 (1977).

For survey of 1979 administrative law, see 58 N.C.L. Rev. 1185 (1980).

For note on state regulation of public solicitation for religious purposes, see 16 Wake Forest L. Rev. 996 (1980).

For survey of 1980 law on civil procedure, see 59 N.C.L. Rev. 1047 (1981).

For survey of 1980 constitutional law, see 59 N.C.L. Rev. 1097 (1981).

For survey of 1981 constitutional law, see 60 N.C.L. Rev. 1272 (1982).

For 1984 survey, "Double Jeopardy and Substantial Rights in North Carolina Appeals," see 63 N.C.L. Rev. 1061 (1985).

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 150 (1st Edition)

SHORT TITLE: Amend Leg. Tuition Grants

SPONSOR(S): Representatives Owens and Stam

	FISCAL IM	PACT		
Yes (x)	No ()	No Estimate	Available ()	
FY 2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08
REVENUES				
EXPENDITURES \$0	\$450,000	\$475,450	\$503,500	\$532,350
POSITIONS: (cumulative) 0	0	0	0	0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Legislative Tuition Grant Program				
EFFECTIVE DATE: 2003-04 acade	mic year, but n	ot paid prior to	July 1, 2004.	,

BILL SUMMARY: TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER LEARNING. Adds new GS 116-25.1 to make legislative tuition grants available to certain institutions of religious instruction. Makes conforming changes to GS 116-21.3(d) and GS 116-21.4(b). Makes other technical changes. Effective July 1, 2003, and applies to the 2003-04 academic year and to each year thereafter.

ASSUMPTIONS AND METHODOLOGY: Used existing full-time equivalent student data (FTE) for the students attending the two Bible colleges or seminaries that would become eligible under this bill and projected a cumulative 3% enrollment growth per year. In addition, started with the existing \$1800 Legislative tuition grant and assumed a \$50 annual increase which follows the most recent historical budget trends for this program.

SOURCES OF DATA: NC State Education Assistance Authority

TECHNICAL CONSIDERATIONS: The students attending Roanoke Bible College and Southeastern Theological Seminary of Southeastern College have 45 and 205 full-time equivalent students, respectively, for this academic year.

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	HB506	Sponsor Motion by Motion by Motion by Motion by Motion by	REPS. ADAMS & JONES REP. ROSS
<i>:</i>	*******	*****	•
Bill Favorable Unfavorable Amended Comm. Sub. Original Bill	HB150	Sponsor Motion by Motion by Motion by Motion by	REPS. OWENBE STAM
Re-referred Other Action		Motion by	· · · · · · · · · · · · · · · · · · ·
	*****	*****	
Bill		Sponsor	
Favorable		Motion by	
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill		•	
Re-referred		Motion by	
Other Action		:	
	*****	*****	
Bill	, 4	Sponsor	
Favorable		Motion by	
Unfavorable		Motion by	
Amended		Motion by	
Comm. Sub.		Motion by	
Original Bill		- J	
Re-referred		Motion by	
Other Action		•	

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2003 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(s) Bowie and McAllister, Chairs for the Permanent Subcommittee on <u>Universities</u> of the Standing Committee on <u>Education</u>. Committee Substitute for H.B. 506 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS. 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 rereferred 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION.. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (# changes the title, unfavorable as to (the original bill) (Committee Substitute Bill). (and recommendation that the committee substitute bill (#

referred to the Committee on

2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	R RECOMMENDING BILLS TO STANDING COMMITTEE OR TO THE FLOOR OF THE HOUSE e following report(s) from permanent sub committee(s) is/are presented: By Representatives Bowie & McAllister (Chairs) for the EDUCATION Subcommittee on Universities.
	Committee Substitute for H.B. 150 A BILL TO BE ENTITLED AN ACT TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.
RE	PORTED TO THE STANDING COMMITTEE ON EDUCATION
RE	COMMENDED 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 recommendation that the proposed committee substitute be rereferred to Appropriations.
	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:
WIT	H APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE ECTLY TO THE FLOOR OF THE HOUSE: Representatives Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION.
	With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#

MEETING NOTICE CORRECTION-

HB 825 - Meningitis & Hepatitis B Immunization has been removed from the agenda.

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Committee on **EDUCATION/subcommittee On Universities** will meet as follows:

DAY & DATE:

Wednesday, April 9, 2003

TIME:

Immediately after session

LOCATION:

Room 415 (PLEASE NOTE ROOM CHANGE)

Agenda

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB 51 - NC Tuition/Military Students -

Primary Sponsors: McAllister, Dickson, Lucas, Glazier

HB 150 - Amend Leg. Tuition Grants -

Primary Sponsors: Owens & Stam

Respectfully, Representative Bowie and McAllister Co-Chairs

I hereby certify this notice was fi	ed by the committee	assistant at the f	following offices at
12 pm on Tuesday, April 8, 200	3.		

Principal Clerk
Reading Clerk - House Chamber

Sharon Gaudette and Johnna Smith (Committee Assistants)

AGENDA

EDUCATION/Subcommittee On Universities

April 9, 2003
Room 415 LOB
Immediately after Session

OPENING REMARKS

Representative Joanne W. Bowie Presiding, Co-Chair

AGENDA ITEMS:

HB 51 UNC Tuition/Military Students

Representatives McAllister, Dickson, Lucas, Glazier, Sponsors

HB 150 Amend Legislative Tuition Grants

Representatives Stam and Owens Sponsors

MINUTES

EDUCATION Subcommittee On Universities

April 9, 2003

The House EDUCATION/subcommittee On Universities met on Wednesday, April 9, 2003, in Room 415 of the Legislative Office Building at 6:30 PM. The following members were present: Co-Chairs, Joanne Bowie & Mary McAllister; Vice-Chairs, George Holmes and Ray Rapp; Representatives Barnhart, Brubaker, Daughtridge, Dickson, Eddins, Insko, Miner, Moore, Ross, and Stiller. Drupti Chauhan and Sara Kamprath, Staff. A visitor Registration list is attached and made part of these minutes.

Co-Chair Joanne Bowie called the meeting to order to consider the following bills:

Representative McAllister was recognized to explain **HB 51**, AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUTITION RATE. Committee discussion took place. Upon motion made by Representative Wood the committee voted to give HB 51 a favorable report on the proposed committee substitute and unfavorable to the original bill and be re-referred to the Committee on Appropriations.

The next order of business was **HB 150**, AN ACT TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LESISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION. Representatives Stam and Owens, bill sponsors, explained the bill. Representative Insko requested that it be noted she does not support this bill as she feels it steps over the line between separation of church and state. Upon motion made by Representative Holmes, the Committee voted to give HB 150 a favorable report to the proposed committee substitute and an unfavorable to the original bill and be re-referred to the Committee on Appropriations. Motion passed.

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

Respectfully submitted,

Representative Joanne W. Bowie

Presiding Co-Chair

Sharon A Gaudette

Committee Assistant

VISITOR REGISTRATION SHEET

UNIVERSITIES Name of Committee	4/9/03 Date	
VISITORS: PLEASE SIGN BELOW AN	ID RETURN TO COMMITTEE CLERK	**
NAME	FIRM OR AGENCY AND ADDRESS	· · ·
Stephen R. PRESTOTI	Southeastern College of Work Fund Paller 150	59446
Frank Johnson	Rep. Stem	1, 000111111 ₃
Barban Canslu	Us w	
A Thail Floring	110 CCCS	(
Qual Braill	UNCOP Gretchen B	in ac
The Von Co	ACLU	elocte.
20 Sadler	Melen	
Julia B. Hoke,	N.C. State Education Assistance & Authority	$\left(z_{m}\right)$
John Musto	N.C. State Education Assistance & Authority NCFP	
		•



PLEASE NOTE:

House Bill 51 was reported back to the standing Committee, but should have been reported out directly to the Floor.

(See) Chamber Desk Meeting of April 16, 2003

2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	following report(s) from permanent sub committee(s) is/are presented: By Representatives Bowie & McAllister (Chairs) for the EDUCATION Subcommittee on Universities.
	Committee Substitute for H.B. 51 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.
REI	PORTED TO THE STANDING COMMITTEE ON EDUCATION
RE	COMMENDED 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.
X	With a favorable recommendation as to proposed committee substitute bill, which changes the title, unfavorable as to original bill, with recommendation that the proposed committee substitute be rereferred to Appropriations.
	With a favorable recommendation as to proposed House committee substitute bill, \(\square \) which changes the title, unfavorable as to Senate committee substitute bill.
	Without prejudice.
	Other recommended action:
	TH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE RECTLY 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 the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on) 03/26/03

See Desk myg. of 4/16/03 - Bill man sent directory to the Floor.

FOR JOURNAL USE ONLY

—	Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
	The (committee substitute) bill/resolution (as amended,) is (ordered engrossed and) rereferred to the Committee on
*******	The bill/resolution is re-referred to the Committee on
	On motion of (Rep
Market and the same	Pursuant to Rule 36(b), the (House) committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/ resolution is placed on the Unfavorable Calendar.
	On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV,) () This amendment changes the title.
	The bill/resolution (, as amended,) passes its second reading (by following vote, RC) (, by EV,) and (remains on the Calendar,) (and there being no objection is read a third time).
	The bill/resolution (, as amended,) passes its third reading (by the following vote,
	House committee substitute bill. enrolled.
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

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HOUSE BILL 51 PROPOSED COMMITTEE SUBSTITUTE H51-CSRJ-10 [v.1]

4/9/2003 12:51:16 PM

Short Title: UNC Tuition/Military Students. (Public)
Sponsors:
Referred to:
February 20, 2003
A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT AN ACTIVE DUTY MEMBER OF THE ARMED
SERVICES WHO ATTENDS A CONSTITUENT INSTITUTION OR A
COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE MAXIMUM
AVAILABLE TUITION ASSISTANCE AS DEFINED BY THE UNITED
STATES DEPARTMENT OF DEFENSE.
The General Assembly of North Carolina enacts:
SECTION 1. G.S. 116-143.3 reads as rewritten:
"§ 116-143.3. Tuition of active duty personnel in the armed services.
(a) <u>Definitions.</u> For purposes of this section the section:
(1) The term "armed services" shall mean the United States Air Force,
Army, Coast Guard, Marine Corps, and Navy; the North Carolina
National Guard; and any Reserve Component of the foregoing.
(2) The term "abode" shall mean the place where a person actually lives,
whether temporarily or permanently; the term "abide" shall mean to
live in a given place.
(3) The term "tuition assistance" shall be used as defined in the United States Department of Defense Directive 1322.8, implementing 10
U.S.C. §2007.
(b) Any <u>active duty</u> member of the armed services qualifying for admission to an
institution of higher-education as defined in G.S. 116-143.1(a)(3) but not qualifying as a
resident for tuition purposes under G.S. 116-143.1 shall be charged the maximum
available tuition assistance as the required payment for tuition and mandatory fees not
to exceed the established out-of-State tuition and mandatory fee rates. The Board of
Governors of The University of North Carolina shall determine which mandatory fees
apply to active duty members of the armed services attending the University of North
Carolina, and the State Board of Community Colleges shall determine which mandatory
fees apply to active duty members of the armed services attending a community

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college the out of State tuition rate; provided, that the out of State tuition shall be forgiven to the extent that the out of State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out of State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate.

- (b1) Any active duty member of the armed services who does not qualify for any payment by the member's employer <u>pursuant to paragraph</u> (b) of this section shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition <u>rate.rate</u> and applicable mandatory fees.
- (c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services removes his abode from North Carolina during an academic year, the dependent relative shall continue to be eligible for the in-State tuition rate during the remainder of that academic year.
- (d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefor.
- (e) A person charged less than the out-of-State tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefits of G.S. 116-143.1(g), (h), (i), (j), (k), or (1).

SECTION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 51

Short Title: UNC Tuition/Military Students. (Public)

Sponsors: Representatives McAllister, Dickson, Lucas, Glazier (Primary Sponsors);
Adams, Alexander, B. Allen, Bell, Gorman, Hunter, Michaux, Nesbitt,
Pate, and Warner.

Referred to: Education.

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.3(b) reads as rewritten:

"(b) Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate. Any member of the armed services who does not qualify for any payment by the member's employer shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition rate. Charged the in-State tuition rate for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State."

SECTION 2. This act becomes effective July 1, 2003.



HOUSE BILL 51: UNC Tuition/Military Students.

BILL ANALYSIS

Committee: House Education

Date:

April 9, 2003

Version:

PCS for First Edition

Introduced by: Reps. McAllister, Dickson,

Lucas, Glazier

Summary by:

Sara Kamprath

Committee Analyst

SUMMARY: House Bill 51 would amend the amount charged to active duty members of the armed services who attend a UNC institution or a North Carolina community college but do not qualify as a resident for tuition purposes. The new amount would equal the maximum available tuition assistance from the federal government for an active duty member of the armed services. This payment would cover tuition and mandatory fees. The active duty member of the armed services would not pay anything out-of-pocket.

A resident for tuition purposes is a person who qualifies for in-State tuition. A **CURRENT LAW:** nonresident for tuition purposes is a person who does not qualify for in-State tuition. In order to qualify as a resident for tuition purposes, a person must establish legal residence in North Carolina and maintain that status for at least 12 months prior to enrolling in a UNC institution or a North Carolina community college.

Most members of the armed services stationed in North Carolina are charged the out-of-state tuition rate because they do not qualify for residents for tuition purposes. When a member of the armed services enrolls in a UNC institution or a North Carolina community college, the institution bills the military based on the out-of-state tuition rate. The federal government pays some, but not all, of the charge. In some instances, the federal government pays none of the tuition charge. G.S. 143(b) contains a formula for determining the portion of the difference that is paid by the member of the armed services. The formula is structured so that the student never pays more than the in-State tuition rate. The difference between the federal contribution and the student contribution is called a tuition waiver. The State budget contains a line item estimating the tuition waiver.

In 1997, the General Assembly amended G.S. 116-143.3(b) to provide that if the federal government does not pay any portion of the out-of-State tuition charged for a member of the armed forces, then the institution shall classify the student as a resident for tuition purposes.

The bill amends G.S. 116-143.3 by adding the definition of "tuition assistance". **BILL ANALYSIS:** Currently, the federal tuition assistance is \$250 per credit hour. The bill also changes the amount that an active duty member of the armed services who qualifies for admission but not as a resident for tuition purposes can be charged. Now these persons will be charged the maximum available tuition assistance from the federal government as the required payment for tuition and mandatory fees. The UNC Board of Governors and the State Board of Community Colleges, respectively, shall determine which mandatory fees apply to active duty members of the armed services attending a UNC constituent institution or a community college. The bill also adds that an active duty member of the armed services who does not qualify for federal "tuition assistance" as defined in (a) shall pay the full in-State tuition amount and applicable mandatory fees.

H51-SMRJ-001

PLEASE NOTE:

House Bill 150 was reported back to the standing Committee, but should have been reported out directly to the Floor.

(See) Chamber Desk Meeting of April 16, 2003

2003 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 Representatives Bowie & McAllister (Chairs) for the EDUCATION Subcommittee on Universities.						
	Committee Substitute for H.B. 150 A BILL TO BE ENTITLED AN ACT TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.						
RE	PORTED TO THE STANDING COMMITTEE ON EDUCATION						
RE	COMMENDED 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.						
X	With a favorable recommendation as to proposed committee substitute bill, which changes the title, unfavorable as to original bill, with recommendation that the proposed committee substitute be rereferred to Appropriations.						
	With a favorable recommendation as to proposed House committee substitute bill, \(\square \) which changes the title, unfavorable as to Senate committee substitute bill.						
	Without prejudice.						
	Other recommended action:						
	TH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE RECTLY 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 the committee substitute bill (#						

(See) rates. of 4/16/03 bill sent directly to floor.

FOR JOURNAL USE ONLY

	Pursuant to Rule 36(b), the bill/resolution is placed on the Calendar of
	The (committee substitute) bill/resolution (as amended,) is (ordered engrossed and) rereferred to the Committee on
	The bill/resolution is re-referred to the Committee on
	On motion of (Rep
	Pursuant to Rule 36(b), the (House) committee substitute bill (No)/resolution is placed on the Calendar of (The original bill) (House Committee Substitute Bill No)/ resolution is placed on the Unfavorable Calendar.
	On motion of Rep, (the rules are suspended) (Rule is suspended) and the bill/resolution is placed on today's calendar. (for immediate consideration.)
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	On motion of Rep, Committee Amendment No.(s) is/are adopted (by EV).
	Rep offers Amendment No which (is adopted.) (fails of adoption.) (by EV,) () This amendment changes the title.
	The bill/resolution (, as amended,) passes its second reading (by following vote, RC) (, by EV,) and (remains on the Calendar,) (and there being no objection is read a third time).
	The bill/resolution (, as amended,) passes its third reading (by the following vote,
	On motion of Rep, the House concurs in the (material) Senate (by the following vote, RC) (, by EV,) and the bill is ordered enrolled.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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(Public)

HOUSE BILL 150 PROPOSED COMMITTEE SUBSTITUTE H150-CSRQ-7 [v.2]

4/2/2003 7:49:41 PM

Short Title: Establish State Education Grants.

	Sponsors:					
	Referred to:					
	March 3, 2003					
1	1 A BILL TO BE ENTITLED					
2	2 AN ACT TO PROVIDE CRITERIA FOR AWARDING S	TATE GRANTS TO				
3	3 STUDENTS ATTENDING CERTAIN ACCREDITED	INSTITUTIONS OF				
4	4 HIGHER EDUCATION.	•				
5	5 The General Assembly of North Carolina enacts:					
6	6 SECTION 1. Part 5 of Article 1 of Chapter 116 of	the General Statutes is				
7	7 amended by adding the following new section:	•				
8						
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12		it satisfies all of the				
13		ANT 1 A 11				
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15		the State or by any				
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18		ge Delegate Assembly				
19 20	1 1 1 1 0	Ain C C 116 15				
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21		mai state grant under				
23		that is owned by the				
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27		was as a desired				

- "Student" means a person enrolled in and attending an institution located in the State (i) who qualifies as 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 the Board, and (ii) who has not received a bachelors 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. Qualification for in-State tuition under G.S. 116-143.3 makes a person a "student" as defined in this subdivision.
- (b) Eligibility. A student is eligible for a state grant under this section for an academic year if the student is a full-time North Carolina undergraduate student attending an institution as defined by this section and is not eligible for a similar state grant under another state program for the same academic year.
- (c) Administration. The state grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall pay the state grant to each student eligible under this section. The amount of the grant shall be determined by the General Assembly. The state grant shall be paid to a student only after the student completes the academic year. The grant shall be paid directly to the student on or after July 1 following the completion of the academic year. The State Education Assistance Authority shall not remit any grant until it receives proper certification from an institution that the student applying for the grant is an eligible student.
- (d) Shortfall. In the event there are not sufficient funds to provide each eligible student with a full grant:
 - (1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by this section: and
 - (2) Each eligible student shall receive a pro rata share of funds then available for the appropriate academic year within the fiscal period covered by the current appropriation.
 - (e) Reversion. Any remaining funds shall revert to the General Fund."
- (f) A state grant authorized by this act shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours.
 - (g) The state grant shall not be used for any student who:
 - (1) <u>Is incarcerated in a State or federal correctional facility for committing a Class A, B, B1, or B2 felony; or</u>
 - (2) Is incarcerated in a State or federal correctional facility for committing a Class C through I felony and is not eligible for parole or release within 10 years.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

SECTION 2. This act becomes effective July 1, 2003, and applies to the 2 2003-2004 academic year and each year thereafter.

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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HOUSE BILL 150

(Public) Short Title: Amend Leg. Tuition Grants. Representatives Owens, Stam (Primary Sponsors); and Eddins. Sponsors: Referred to: Education. March 3, 2003 A BILL TO BE ENTITLED AN PROVIDE **ALTERNATE** CRITERIA FOR **AWARDING** ACT TO TUITION TO **STUDENTS ATTENDING** LEGISLATIVE **GRANTS** ACCREDITED INSTITUTIONS OF HIGHER EDUCATION. The General Assembly of North Carolina enacts: SECTION 1. Article 1 of Chapter 116 of the General Statutes is amended by adding the following new section: "§ 116-25.1. Legislative tuition grants to aid eligible students attending certain private institutions of higher education; different administrative procedure. Definitions. - The following definitions apply in this section: (a) "Institution" means a nonprofit educational institution with a main permanent campus located in this State that satisfies all of the following: Is not owned or operated by the State of North Carolina or by <u>a.</u> an agency or political subdivision of the State or by any combination thereof. Is accredited by the Southern Association of Colleges and <u>b.</u> Schools under the standards of the College Delegate Assembly of the Association. Awards a postsecondary degree as defined in G.S. 116-15. "Main permanent campus" means a campus that is owned by the **(2)** institution that provides permanent on-premises housing, food services, and classrooms with full-time faculty members and administration that engage in postsecondary degree activity as defined in G.S. 116-15. "Student" means a person enrolled in and attending an institution

> located in the State (i) who qualifies as a resident of North Carolina in accordance with definitions of residency that may from time to time be

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GENERAL ASSEMBLY OF NORTH CAROLINA	SESSION 2003
adopted by the Board of Governors of The University	rsity of North
Carolina and published in the residency manual of the	
who has not received a bachelors degree, or qualifie	
who is otherwise classified as an undergraduate under s	
as the Board of Governors of The University of North	
promulgate. Qualification for in-State tuition under	G.S. 116-143.3
makes a person a "student" as defined in this subdivision	<u>n.</u>
(b) Eligibility A student is eligible for a legislative tuition g	rant under this
section for an academic year if the student is a full-time North Carolina	undergraduate
student attending an institution as defined by this section and is no	t eligible for a
legislative tuition grant under G.S. 116-21.2 for the same academic year.	
(c) Administration. – The legislative tuition grants provided for	in this section
shall be administered by the State Education Assistance Authority pu	
adopted by the State Education Assistance Authority not inconsistent w	
The State Education Assistance Authority shall pay the legislative tuition	
student eligible under this section. The amount of the grant shall be the	
determined by the General Assembly under G.S. 116-21.2. The legislati	
shall be paid to a student only after the student completes the academic	
shall be paid directly to the student on or after July 1 following the co	
academic year. The State Education Assistance Authority shall not remit	
it receives proper certification from an institution that the student applyi	ng for the grant
is an eligible student.	
(d) Shortfall. – In the event there are not sufficient funds to provi	<u>de each eligible</u>
student with a full grant:	4
(1) The Board of Governors of The University of North Ca	
approval of the Office of State Budget and Management	nt, may transfer

- ach eligible
 - na, with the nav transfer available funds to meet the needs of the programs provided by this section; and
 - Each eligible student shall receive a pro rata share of funds then <u>(2)</u> available for the appropriate academic year within the fiscal period covered by the current appropriation.
 - Reversion. Any remaining funds shall revert to the General Fund." (e) **SECTION 2.** G.S. 116-21.3(d) reads as rewritten:
- A legislative tuition grant authorized under G.S. 116-21.2 or G.S. 116-25.1 shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours."

SECTION 3. G.S. 116-21.4(b) reads as rewritten:

- Expenditures made pursuant to G.S. 116-19, 116-20, 116-21.1, or 116-21.2 116-21.2, or 116-25.1 shall not be used for any student who:
 - (1) Is incarcerated in a State or federal correctional facility for committing a Class A, B, B1, or B2 felony; or
 - Is incarcerated in a State or federal correctional facility for committing (2) a Class C through I felony and is not eligible for parole or release within 10 years."

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SECTION 4. This act becomes effective July 1, 2003, and applies to the 2003-2004 academic year and each year thereafter.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 150 (1st Edition)

SHORT TITLE: Amend Leg. Tuition Grants

SPONSOR(S): Representatives Owens and Stam

FISCAL IMPACT						
Y	es (x)	No ()	No Estimate	Available ()		
<u>FY</u>	2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
REVENUES						
EXPENDITURES	\$0	\$450,000	\$475,450	\$503,500	\$532,350	
POSITIONS: (cumulative)	0	0	0	0	0	
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Legislative Tuition Grant Program						
EFFECTIVE DATE: 2003-04 academic year, but not paid prior to July 1, 2004.						

BILL SUMMARY: TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER LEARNING. Adds new GS 116-25.1 to make legislative tuition grants available to certain institutions of religious instruction. Makes conforming changes to GS 116-21.3(d) and GS 116-21.4(b). Makes other technical changes. Effective July 1, 2003, and applies to the 2003-04 academic year and to each year thereafter.

ASSUMPTIONS AND METHODOLOGY: Used existing full-time equivalent student data (FTE) for the students attending the two Bible colleges or seminaries that would become eligible under this bill and projected a cumulative 3% enrollment growth per year. In addition, started with the existing \$1800 Legislative tuition grant and assumed a \$50 annual increase which follows the most recent historical budget trends for this program.

SOURCES OF DATA: NC State Education Assistance Authority

TECHNICAL CONSIDERATIONS: The students attending Roanoke Bible College and Southeastern Theological Seminary of Southeastern College have 45 and 205 full-time equivalent students, respectively, for this academic year.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Charlotte Todd

APPROVED BY: James D. Johnson, Director Fiscal Research Division

DATE: April 7, 2003



HOUSE BILL 150: Amend Leg. Tuition Grants

BILL ANALYSIS

Committee: House Education Subcommittee

on Universities

Date: March 31, 2003

PCS to First Edition Version:

Introduced by: Reps. Owens and Stam

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: House Bill 150 would allow eligible students at certain private colleges that award postsecondary degrees to receive the legislative tuition grants that are currently provided to eligible North Carolina undergraduate students attending private colleges in North Carolina. establish a different administrative procedure for the disbursement of the legislative tuition grants to the undergraduate students attending some private colleges.

The PCS changes the General Statute section number from G.S. 116-25.1 to G.S. 116-43.5. In addition, the PCS titles the grants provided in this bill as state grants and eliminates references to the legislative tuition grants provided under G.S.116-21.2

Under the current law, North Carolina undergraduate students who attend private **CURRENT LAW:** educational institutions that are seminaries, Bible schools, Bible colleges, or "other similar religious institutions" are not eligible to receive the legislative tuition grants that are granted to other North Carolina undergraduate students who attend private educational institutions in the State. Currently, the State provides \$1800.00 for each North Carolina undergraduate student who meets the definition of student and attends an eligible institution. The State Education Assistance Authority distributes the money to the approved institutions which then credit the students' accounts in the amount of the grant.

BILL ANALYSIS: This bill would establish a different administrative procedure to provide legislative tuition grants to eligible North Carolina undergraduate students who attend a private nonprofit educational institution that is not owned or operated by the State, is accredited by the Southern Association of Colleges and Schools, and awards a postsecondary degree as it is defined in G.S. 116-15. A student is eligible if the student is a full-time student attending the institutions defined in this bill.

The bill directs the State Education Assistance Authority (SEAA) to adopt rules to administer the legislative tuition grants provided for in the bill. The SEAA is further directed to pay the legislative tuition grants directly to the eligible students and the amount of the grant will be the same as the grant to students attending other private colleges as determined by the General Assembly. The legislative tuition grant can be paid to the student only after he or she completes the academic year and the SEAA must receive proper certification from the institution that the student is eligible. Sections 2 and 3 of the bill make conforming changes in the statutes. The first disbursement of money would be in the second year of this biennium (July, 2004).

The PCS changes the General Statute section number to G.S. 116-43.5, changes the name of the legislative tuition grants awarded in the bill to state grants and eliminates references to the legislative tuition grant program under G.S. 116-25.1.

BACKGROUND/CONSTITUTIONAL QUESTIONS: Because this bill provides for a different procedure and possibly a different program to distribute State money to eligible students attending educational institutions that are religious in nature, there could be some Constitutional issues concerning the First Amendment of the United States Constitution.

HOUSE BILL 150

Page 2

There have been a number of cases that have addressed similar issues but the factual situations in those cases have differed in some way from what is proposed in this bill. In Smith v. Bd. Of Govs. of UNC, 429 F. Supp. 871 (WDNC, 1977), aff'd without opinion, 98 S.Ct. 2337 (1978), the Court held that North Carolina could send legislative tuition grants to Belmont Abbey College and Phieffer College, on the basis that State aid in the form of tuition grants served a secular purpose (ie: education). The Court determined that although these schools had a presence of religion in their curriculum, the inculcation of religion was not the primary purpose of their programs. Therefore even if the aid indirectly assisted a school with a religious affiliation, that alone was not sufficient to invalidate the aid on First Amendment grounds. A couple of United States Supreme Court cases have also allowed State money to flow to religious schools. In Witters v. Washington Dept. of Services for the Blind, 106 S. Ct. 748 (1986), a state grant of assistance that went directly to the students who then in turn applied it to their accounts at their institutions was deemed to not be in violation of the First Amendment because the aid went to the private religious schools as a result of the independent and private choice of the student. State programs that are entirely neutral in offering education without reference to religion do not violate the First Amendment according to the Court in Witters. The Supreme Court came to a similar conclusion recently in Zelman v. Harris, 122 S. Ct. 2460 (2002) where it upheld the Ohio school voucher program because the voucher program itself was designed to be neutral and provided assistance directly to students who then take the money and direct it towards the schools of their choice, either religious or non-religious.

Furthermore, it should be noted that a Court would probably also consider whether a particular statute complies with the First Amendment by examining whether the law has a secular purpose. A state program designed specifically for the disbursement of money to religious schools may not withstand that scrutiny. Even placing the state grant program provided for in this bill under the larger umbrella of the legislative tuition grant program could still be viewed by a Court as an attempt to subvert State money to schools that are religious in nature and circumvent the First Amendment.

It should also be noted that federal aid (such as Pell Grants) currently does go to religiously oriented schools such as Bible colleges and that aid is distributed to the schools in the students' names.

EFFECTIVE DATE: This act becomes effective July 1, 2003 and applies to the 2003-2004 academic year and each year thereafter.

State v. Hammonds, 141 N.C. App. 152, 541 S.E.2d 166 (2000).

Defendant Denied Right to Speedy Trial.

— Where defendant's case did not occur until nearly three years from the date of arrest for trafficking in cocaine by transporting cocaine, and during that time the case was placed on the trial calendar thirty-one times, but never called by the district attorney, and essential witness was no longer available at time of trial, defendant suffered substantial prejudice, and was denied his right to a speedy trial. State v. Chaplin, 122 N.C. App. 659, 471 S.E.2d 653 (1996).

Balancing the four factors enunciated in Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972), defendant was not denied the right to a speedy trial and there was no reasonable probability that had counsel advanced a motion to dismiss based on denial of that right, the result of the proceeding would have been different. State v. Johnson, 124 N.C. App. 462, 478 S.E.2d 16 (1996).

Where there was some prejudice to defendant caused by the delay in her trial, the weight of it in the balancing process was diminished by the absence of any impairment to her defense against the criminal charge and the absence of substantial pretrial incarceration. State v. Webster, 337 N.C. 674, 447 S.E.2d 349 (1994).

Foreign Custody and Absence of Prejudice as Factors in Denying Speedy Trial Violation. — Defendant was not denied his right to a speedy trial by the delay between his indictment in November, 1977 and his trial in July, 1979, where he was either in federal custody or in custody in South Carolina except from February to September, 1978 and March to July, 1979, and the remaining time fell short of denying defendant his constitutional right to a speedy trial because there was no evidence that any of the delay for which this State was responsible prejudiced his case or his ability to present his defense. State v. Lynch, 300 N.C. 534, 268 S.E.2d 161 (1980).

Sec. 19. Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Cross References. — As to the rights of the defendant in a criminal prosecution, see N.C. Const., Art. I, § 23. For provision that no person shall be excluded from jury service on account of sex, race, color, religion or national origin, see N.C. Const., Art. I, § 26.

History. — The provisions of this section are similar to those of Art. I, § 17, Const. 1868.

Legal Periodicals. — For article on eminent domain in North Carolina, see 35 N.C.L. Rev. 296 (1957).

For note on right of confrontation at presentence investigation, see 41 N.C.L. Rev. 260 (1963).

For comment on the cul-de-sac doctrine, see 44 N.C.L. Rev. 850 (1966).

For case law survey as to eminent domain, see 44 N.C.L. Rev. 941, 1003 (1966).

For case law survey as to due process and double jeopardy, see 45 N.C.L. Rev. 881 (1967).

For case law survey as to right to notice and hearing, see 45 N.C.L. Rev. 883 (1967).

For case law survey as to property rights, see 45 N.C.L. Rev. 887 (1967).

For comment on the public purpose doctrine, see 3 Wake Forest Intra. L. Rev. 37 (1967).

For note on statutory requirement of safety helmets for motorcyclists, see 6 Wake Forest Intra. L. Rev. 349 (1970).

For article surveying recent decisions by the North Carolina Supreme Court in the area of criminal procedure, see 49 N.C.L. Rev. 262 (1971).

For note analyzing possible constitutional barriers to judicial abrogation of contractual governmental immunity, see 12 Wake Forest L. Rev. 1082 (1976).

For note on use of physical restraints on defendant during trial, see 13 Wake Forest L. Rev. 231 (1977).

For note on the use of state constitutional law to void occupational licensing statutes which unreasonably restrict freedom of occupational choice, see 13 Wake Forest L. Rev. 507 (1977).

For survey of 1979 administrative law, see 58 N.C.L. Rev. 1185 (1980).

For note on state regulation of public solicitation for religious purposes, see 16 Wake Forest L. Rev. 996 (1980).

For survey of 1980 law on civil procedure, see 59 N.C.L. Rev. 1047 (1981).

For survey of 1980 constitutional law, see 59 N.C.L. Rev. 1097 (1981).

For survey of 1981 constitutional law, see 60 N.C.L. Rev. 1272 (1982).

For 1984 survey, "Double Jeopardy and Substantial Rights in North Carolina Appeals," see 63 N.C.L. Rev. 1061 (1985).

MINUTES

EDUCATION Subcommittee On Universities Chamber Desk Meeting

April 16, 2003

The House EDUCATION/subcommittee On Universities met on Wednesday, April 16, 2003, around the desk of Representative Bowie in the House Chamber at 12:55 PM. Present were: Co-Chair, Joanne Bowie, Vice-Chairs, George Holmes and Ray Rapp; Representatives Insko, Ross, Moore. Drupti Chauhan and Sara Kamprath, Staff.

Committee met to address three bills that were previously reported out to the Standing Committee on EDUCATION, but should have been reported directly to the floor of the House.

HB 506 – A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS. Motion by Representative Ross that the bill be reported directly to the floor of the house. Motion passed.

HB 150 – A BILL TO BE ENTITLED AN ACT TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUTITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION. Motion by Representative Rapp that the bill be reported directly to the floor of the House. Motion passed.

HB 51 – A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE. Motion by Representative Holmes that the bill be reported directly to the floor of the House. Motion Passed.

Meeting adjourned.

Respectfully submitted,

Representative Joanne W. Bowie

Presiding Chair

Sharon A. Gaudette

Committee Assistant

2003 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(s) Bowie and McAllister, Chairs for the Permanent Subcommittee on **Universities** of the Standing Committee on **Education**. | Committee Substitute for H.B. 506 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS. 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 rereferred 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION... With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (# changes the title, unfavorable as to (the original bill) (Committee Substitute Bill). (and recommendation that the committee substitute bill (#) be referred to the Committee on

02/06/02

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 506

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Short Title:	UNC/BOG Student Member Vote.	(Public)		
Sponsors:	Representatives Adams, Jones (Primary Sponsors); Weiss.	Glazier, Jeffus, and		
Referred to:	Education.			

March 17, 2003

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A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-6.1 reads as rewritten:

"§ 116-6.1. Student member of the Board of Governors.

- (a) Commencing July 1, 1991, and during his continuance as a student in good standing at a constituent institution of The University of North Carolina, the person serving as president of the University of North Carolina Association of Student Governments (UNCASG) or his designee—shall serve ex officio as a member of the Board of Governors. This student member shall be in addition to the 32 members elected to the Board of Governors.
- (b) The student member shall have all the rights and privileges of membership, except that he shall not have a vote. membership."

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



HOUSE BILL 506: UNC/BOG Student Member Vote

Committee: House Education Subcommittee

on Universities

Date:

April 3, 2003

Version:

First

Introduced by: Reps. Adams and Jones

Summary by:

Dee Atkinson

Research Assistant

SUMMARY: House Bill 506 would give the student member of the UNC Board of Governors the

right to vote. The bill is effective when it becomes law.

CURRENT LAW: The UNC Board of Governors is composed of thirty-two voting members serving staggered four-year terms. Each long session, the General Assembly elects sixteen members to the Board. The Senate and the House of Representatives separately elect eight members to fill the vacancies on the Board.

Former board chairmen, who have served at least one full term, may continue to serve on the Board for an additional four-year term after their regular elected term has expired. Board members who are former North Carolina governors and have served at least one term on the Board may continue to serve. The Board members who are former board chairmen or former North Carolina governors are non-voting members emeriti but have all the other rights and privileges of serving on the Board.

Currently, the student serving as the president of the UNC Association of Student Governments (UNCASG) or his designee is a non-voting ex officio member of the Board. The UNC Association of Student Governments is composed of the student body Presidents of the sixteen constituent institutions. Typically, UNCASG elects a new president each year.

BILL ANALYSIS: House Bill 506 changes the status of the student member of the UNC Board of Governors from non-voting to voting. This change would increase the number of voting members on the Board from thirty-two to thirty-three. The bill also makes clear that the student member on the Board is the current president of the UNC Association of Student Governments and is not the president's designee.

BACKGROUND: There are student members on the State Board of Community Colleges and the individual community college board of trustees, but they do not vote. The student member on the board of trustees of some of the UNC institutions is allowed to vote and on some campuses the student member is not allowed to vote.

Sara Kamprath contributed substantially to this summary

HB506-SMSM-001

2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

The	The following report(s) from permanent sub committee(s) is/are presented: By Representatives Bowie & McAllister (Chairs) for the EDUCATION Subcommittee on Universities.						
<u> </u>	Committee Substitute for H.B. 51 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.						
REP	PORTED TO THE STANDING COMMITTEE ON EDUCATION						
	COMMENDED 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 recommendation that the proposed committee substitute be rereferred to Appropriations.						
	With a favorable recommendation as to proposed House committee substitute bill, \(\subseteq \) which changes the title, unfavorable as to Senate committee substitute bill.						
	Without prejudice.						
	Other recommended action:						
	CH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE ECTLY TO THE FLOOR OF THE HOUSE: Representative Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (##						

Seet to: Hillog Hillord Hillord WARREN WEED

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 51 PROPOSED COMMITTEE SUBSTITUTE H51-CSRJ-10 [v.1]

4/9/2003 12:51:16 PM

Short Title: V	UNC Tuition/Military Students.	(Public)
Sponsors:		
Referred to:		
	February 20, 2003	
	A BILL TO BE ENTITLED	
AN ACT TO	PROVIDE THAT AN ACTIVE DUTY MEMBER (OF THE ARMED
SERVICES	S WHO ATTENDS A CONSTITUENT INSTIT	TUTION OR A
	IITY COLLEGE SHALL BE CHARGED ONLY	
	LE TUITION ASSISTANCE AS DEFINED BY	THE UNITED
	DEPARTMENT OF DEFENSE.	
	ssembly of North Carolina enacts:	
	CTION 1. G.S. 116-143.3 reads as rewritten:	
=	Tuition of active duty personnel in the armed service	es.
(a) <u>Defi</u>	nitions. For purposes of this section the section:	
<u>(1)</u>	The term "armed services" shall mean the United	
	Army, Coast Guard, Marine Corps, and Navy; th	
	National Guard; and any Reserve Component of the	
(2)_		•
	whether temporarily or permanently; the term "abi	de" shall mean to
(2)	live in a given place.	
(3)	The term "tuition assistance" shall be used as defi	
	States Department of Defense Directive 1322.8,	implementing 10
71 N	<u>U.S.C. §2007.</u>	
• • • • • •	active duty member of the armed services qualifying f	
	igher education as defined in G.S. 116-143.1(a)(3) but	
	nition purposes under G.S. 116-143.1 shall be charge	
	on assistance as the required payment for tuition and n	
	established out-of-State tuition and mandatory fee rat The University of North Carolina shall determine which	
	e duty members of the armed services attending the U he State Board of Community Colleges shall determine	
	active duty members of the armed services attend	
tees apply to	active duty incliners of the armed services attend	mig a community

college.the out of State tuition rate; provided, that the out of State tuition shall be forgiven to the extent that the out of State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out of State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in State tuition rate and then subtracted from the in State tuition rate.

- (b1) Any active duty member of the armed services who does not qualify for any payment by the member's employer <u>pursuant to paragraph</u> (b) of this section shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition <u>rate-rate</u> and applicable mandatory fees.
- (c) Any dependent relative of a member of the armed services who is abiding in this State incident to active military duty, as defined by the Board of Governors of The University of North Carolina and by the State Board of Community Colleges while sharing the abode of that member shall be eligible to be charged the in-State tuition rate, if the dependent relative qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the requirements of the Selective Service System, if applicable, in order to be accorded this benefit. In the event the member of the armed services removes his abode from North Carolina during an academic year, the dependent relative shall continue to be eligible for the in-State tuition rate during the remainder of that academic year.
- (d) The burden of proving entitlement to the benefit of this section shall lie with the applicant therefor.
- (e) A person charged less than the out-of-State tuition rate solely by reason of this section shall not, during the period of receiving that benefit, qualify for or be the basis of conferring the benefits of G.S. 116-143.1(g), (h), (i), (j), (k), or (1).

SECTION 2. This act becomes effective July 1, 2003.



HOUSE BILL 51: UNC Tuition/Military Students.

BILL ANALYSIS

Committee: House Education

Date:

April 9, 2003

Version:

PCS for First Edition

Introduced by: Reps. McAllister, Dickson,

Lucas, Glazier

Summary by:

Sara Kamprath

Committee Analyst

SUMMARY: House Bill 51 would amend the amount charged to active duty members of the armed services who attend a UNC institution or a North Carolina community college but do not qualify as a resident for tuition purposes. The new amount would equal the maximum available tuition assistance from the federal government for an active duty member of the armed services. This payment would cover tuition and mandatory fees. The active duty member of the armed services would not pay anything out-of-pocket.

CURRENT LAW: A resident for tuition purposes is a person who qualifies for in-State tuition. A nonresident for tuition purposes is a person who does not qualify for in-State tuition. In order to qualify as a resident for tuition purposes, a person must establish legal residence in North Carolina and maintain that status for at least 12 months prior to enrolling in a UNC institution or a North Carolina community college.

Most members of the armed services stationed in North Carolina are charged the out-of-state tuition rate because they do not qualify for residents for tuition purposes. When a member of the armed services enrolls in a UNC institution or a North Carolina community college, the institution bills the military based on the out-of-state tuition rate. The federal government pays some, but not all, of the charge. In some instances, the federal government pays none of the tuition charge. G.S. 143(b) contains a formula for determining the portion of the difference that is paid by the member of the armed services. The formula is structured so that the student never pays more than the in-State tuition rate. The difference between the federal contribution and the student contribution is called a tuition waiver. The State budget contains a line item estimating the tuition waiver.

In 1997, the General Assembly amended G.S. 116-143.3(b) to provide that if the federal government does not pay any portion of the out-of-State tuition charged for a member of the armed forces, then the institution shall classify the student as a resident for tuition purposes.

The bill amends G.S. 116-143.3 by adding the definition of "tuition assistance". **BILL ANALYSIS:** Currently, the federal tuition assistance is \$250 per credit hour. The bill also changes the amount that an active duty member of the armed services who qualifies for admission but not as a resident for tuition purposes can be charged. Now these persons will be charged the maximum available tuition assistance from the federal government as the required payment for tuition and mandatory fees. The UNC Board of Governors and the State Board of Community Colleges, respectively, shall determine which mandatory fees apply to active duty members of the armed services attending a UNC constituent institution or a community college. The bill also adds that an active duty member of the armed services who does not qualify for federal "tuition assistance" as defined in (a) shall pay the full in-State tuition amount and applicable mandatory fees.

H51-SMRJ-001

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

H

HOUSE BILL 51

1

Short Title: UNC Tuition/Military Students. (Public) Representatives McAllister, Dickson, Lucas, Glazier (Primary Sponsors); Sponsors: Adams, Alexander, B. Allen, Bell, Gorman, Hunter, Michaux, Nesbitt, Pate, and Warner.

Referred to: Education.

February 20, 2003

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A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.3(b) reads as rewritten:

Any member of the armed services qualifying for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the institution or the service member by the service member's employer multiplied by the in-State tuition rate and then subtracted from the in-State tuition rate. Any member of the armed services who does not qualify for any payment by the member's employer shall be eligible to be charged the in-State tuition rate and shall pay the full amount of the in-State tuition rate. charged the in-State tuition rate for enrollments while the member of the armed services is abiding in this State incident to active military duty in this State."

This act becomes effective July 1, 2003. **SECTION 2.**



HOUSE BILL 51: UNC Tuition/Military Students.

BILL ANALYSIS

House Education Committee:

Date:

April 9, 2003

Version:

PCS for First Edition

Introduced by: Reps. McAllister, Dickson,

Lucas, Glazier

Summary by:

Sara Kamprath

Committee Analyst

SUMMARY: House Bill 51 would amend the amount charged to active duty members of the armed services who attend a UNC institution or a North Carolina community college but do not qualify as a resident for tuition purposes. The new amount would equal the maximum available tuition assistance from the federal government for an active duty member of the armed services. This payment would cover tuition and mandatory fees. The active duty member of the armed services would not pay anything out-of-pocket.

A resident for tuition purposes is a person who qualifies for in-State tuition. A **CURRENT LAW:** nonresident for tuition purposes is a person who does not qualify for in-State tuition. In order to qualify as a resident for tuition purposes, a person must establish legal residence in North Carolina and maintain that status for at least 12 months prior to enrolling in a UNC institution or a North Carolina community college.

Most members of the armed services stationed in North Carolina are charged the out-of-state tuition rate because they do not qualify for residents for tuition purposes. When a member of the armed services enrolls in a UNC institution or a North Carolina community college, the institution bills the military based on the out-of-state tuition rate. The federal government pays some, but not all, of the charge. In some instances, the federal government pays none of the tuition charge. G.S. 143(b) contains a formula for determining the portion of the difference that is paid by the member of the armed services. The formula is structured so that the student never pays more than the in-State tuition rate. The difference between the federal contribution and the student contribution is called a tuition waiver. The State budget contains a line item estimating the tuition waiver.

In 1997, the General Assembly amended G.S. 116-143.3(b) to provide that if the federal government does not pay any portion of the out-of-State tuition charged for a member of the armed forces, then the institution shall classify the student as a resident for tuition purposes.

The bill amends G.S. 116-143.3 by adding the definition of "tuition assistance". **BILL ANALYSIS:** Currently, the federal tuition assistance is \$250 per credit hour. The bill also changes the amount that an active duty member of the armed services who qualifies for admission but not as a resident for tuition purposes can be charged. Now these persons will be charged the maximum available tuition assistance from the federal government as the required payment for tuition and mandatory fees. The UNC Board of Governors and the State Board of Community Colleges, respectively, shall determine which mandatory fees apply to active duty members of the armed services attending a UNC constituent institution or a community college. The bill also adds that an active duty member of the armed services who does not qualify for federal "tuition assistance" as defined in (a) shall pay the full in-State tuition amount and applicable mandatory fees.

H51-SMRJ-001

2003 PERMANENT SUBCOMMITTEE REPORT HOUSE OF REPRESENTATIVES

	The following report(s) from permanent sub committee(s) is/are presented: By Representatives <u>Bowie & McAllister</u> (Chairs) for the EDUCATION Subcommittee on <u>Universities</u> .					
	Committee Substitute for H.B. 150 A BILL TO BE ENTITLED AN ACT TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER EDUCATION.					
RE	PORTED TO THE STANDING COMMITTEE ON EDUCATION					
RE	COMMENDED 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.					
er No. a	With a favorable recommendation as to proposed committee substitute bill, which changes the title, unfavorable as to original bill, with recommendation that the proposed committee substitute be rereferred to Appropriations.					
	With a favorable recommendation as to proposed House committee substitute bill, \(\subseteq \text{ which changes the title, unfavorable as to Senate committee substitute bill.} \)					
	Without prejudice.					
	Other recommended action:					
	TH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE RECTLY TO THE FLOOR OF THE HOUSE: Representatives Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION. S/ With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on Appropriations.) 03/26/03					

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 150 PROPOSED COMMITTEE SUBSTITUTE H150-CSRQ-7 [v.2]

4/2/2003 7:49:41 PM

Short Title: Establish State Education Grants.

•	Sponsors	:		
Referred to:				
			March 3, 2003	
1 2 3 4 5	STUI HIGH	DENTS HER ED eral Ass	A BILL TO BE ENTITLED PROVIDE CRITERIA FOR AWARDING STATE GRANTS TO ATTENDING CERTAIN ACCREDITED INSTITUTIONS OF DUCATION. sembly of North Carolina enacts:	
6			FION 1. Part 5 of Article 1 of Chapter 116 of the General Statutes is	
7	amended	by add	ling the following new section:	
8	" <u>§ 116-</u>	43.5	State grants to aid eligible students attending certain private utions of higher education; administrative procedure.	
9	(n)	<u>Insuu</u> Defin	nitions. – The following definitions apply in this section:	
10 11	<u>(a)</u>	(1)	"Institution" means a nonprofit educational institution with a main	
12		11)	permanent campus located in this State that satisfies all of the	
13			following:	
14			a. Is not owned or operated by the State of North Carolina or by	
15			an agency or political subdivision of the State or by any	
16			combination thereof.	
17			b. Is accredited by the Southern Association of Colleges and	
18			Schools under the standards of the College Delegate Assembly	
19			of the Association.	
20			c. Awards a postsecondary degree as defined in G.S. 116-15.	
21			d. Its students are not eligible for a similar state grant under	
22		(0)	another state program.	
23		<u>(2)</u>	"Main permanent campus" means a campus that is owned by the	
24			institution that provides permanent on-premises housing, food	
25			services, and classrooms with full-time faculty members and	
26			administration that engage in postsecondary degree activity as defined	
27			<u>in G.S. 116-15.</u>	

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(Public)

- (3) "Student" means a person enrolled in and attending an institution located in the State (i) who qualifies as 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 the Board, and (ii) who has not received a bachelors 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. Qualification for in-State tuition under G.S. 116-143.3 makes a person a "student" as defined in this subdivision.
- (b) Eligibility. A student is eligible for a state grant under this section for an academic year if the student is a full-time North Carolina undergraduate student attending an institution as defined by this section and is not eligible for a similar state grant under another state program for the same academic year.
- (c) Administration. The state grants provided for in this section shall be administered by the State Education Assistance Authority pursuant to rules adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall pay the state grant to each student eligible under this section. The amount of the grant shall be determined by the General Assembly. The state grant shall be paid to a student only after the student completes the academic year. The grant shall be paid directly to the student on or after July 1 following the completion of the academic year. The State Education Assistance Authority shall not remit any grant until it receives proper certification from an institution that the student applying for the grant is an eligible student.
- (d) Shortfall. In the event there are not sufficient funds to provide each eligible student with a full grant:
 - (1) The Board of Governors of The University of North Carolina, with the approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by this section; and
 - (2) Each eligible student shall receive a pro rata share of funds then available for the appropriate academic year within the fiscal period covered by the current appropriation.
 - (e) Reversion. Any remaining funds shall revert to the General Fund."
- (f) A state grant authorized by this act shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours.
 - (g) The state grant shall not be used for any student who:
 - (1) <u>Is incarcerated in a State or federal correctional facility for committing a Class A, B, B1, or B2 felony; or</u>
 - (2) <u>Is incarcerated in a State or federal correctional facility for committing a Class C through I felony and is not eligible for parole or release within 10 years.</u>

SECTION 2. This act becomes effective July 1, 2003, and applies to the 2 003-2004 academic year and each year thereafter.



HOUSE BILL 150: Amend Leg. Tuition Grants

BILL ANALYSIS

Committee: House Education Subcommittee

on Universities

Date: March 31, 2003

Version: PCS to First Edition

Introduced by: Reps. Owens and Stam

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: House Bill 150 would allow eligible students at certain private colleges that award post-secondary degrees to receive the legislative tuition grants that are currently provided to eligible North Carolina undergraduate students attending private colleges in North Carolina. This bill would establish a different administrative procedure for the disbursement of the legislative tuition grants to the undergraduate students attending some private colleges.

The PCS changes the General Statute section number from G.S. 116-25.1 to G.S. 116-43.5. In addition, the PCS titles the grants provided in this bill as state grants and eliminates references to the legislative tuition grants provided under G.S.116-21.2

CURRENT LAW: Under the current law, North Carolina undergraduate students who attend private educational institutions that are seminaries, Bible schools, Bible colleges, or "other similar religious institutions" are not eligible to receive the legislative tuition grants that are granted to other North Carolina undergraduate students who attend private educational institutions in the State. Currently, the State provides \$1800.00 for each North Carolina undergraduate student who meets the definition of student and attends an eligible institution. The State Education Assistance Authority distributes the money to the approved institutions which then credit the students' accounts in the amount of the grant.

BILL ANALYSIS: This bill would establish a different administrative procedure to provide legislative tuition grants to eligible North Carolina undergraduate students who attend a private nonprofit educational institution that is not owned or operated by the State, is accredited by the Southern Association of Colleges and Schools, and awards a postsecondary degree as it is defined in G.S. 116-15. A student is eligible if the student is a full-time student attending the institutions defined in this bill.

The bill directs the State Education Assistance Authority (SEAA) to adopt rules to administer the legislative tuition grants provided for in the bill. The SEAA is further directed to pay the legislative tuition grants directly to the eligible students and the amount of the grant will be the same as the grant to students attending other private colleges as determined by the General Assembly. The legislative tuition grant can be paid to the student only after he or she completes the academic year and the SEAA must receive proper certification from the institution that the student is eligible. Sections 2 and 3 of the bill make conforming changes in the statutes. The first disbursement of money would be in the second year of this biennium (July, 2004).

The PCS changes the General Statute section number to G.S. 116-43.5, changes the name of the legislative tuition grants awarded in the bill to state grants and eliminates references to the legislative tuition grant program under G.S. 116-25.1.

BACKGROUND/CONSTITUTIONAL QUESTIONS: Because this bill provides for a different procedure and possibly a different program to distribute State money to eligible students attending educational institutions that are religious in nature, there could be some Constitutional issues concerning the First Amendment of the United States Constitution.

HOUSE BILL 150

Page 2

There have been a number of cases that have addressed similar issues but the factual situations in those cases have differed in some way from what is proposed in this bill. In Smith v. Bd. Of Govs. of UNC, 429 F. Supp. 871 (WDNC, 1977), aff'd without opinion, 98 S.Ct. 2337 (1978), the Court held that North Carolina could send legislative tuition grants to Belmont Abbey College and Phieffer College, on the basis that State aid in the form of tuition grants served a secular purpose (ie: education). The Court determined that although these schools had a presence of religion in their curriculum, the inculcation of religion was not the primary purpose of their programs. Therefore even if the aid indirectly assisted a school with a religious affiliation, that alone was not sufficient to invalidate the aid on First Amendment grounds. A couple of United States Supreme Court cases have also allowed State money to flow to religious schools. In Witters v. Washington Dept. of Services for the Blind, 106 S. Ct. 748 (1986), a state grant of assistance that went directly to the students who then in turn applied it to their accounts at their institutions was deemed to not be in violation of the First Amendment because the aid went to the private religious schools as a result of the independent and private choice of the student. State programs that are entirely neutral in offering education without reference to religion do not violate the First Amendment according to the Court in Witters. The Supreme Court came to a similar conclusion recently in Zelman v. Harris, 122 S. Ct. 2460 (2002) where it upheld the Ohio school voucher program because the voucher program itself was designed to be neutral and provided assistance directly to students who then take the money and direct it towards the schools of their choice, either religious or non-religious.

Furthermore, it should be noted that a Court would probably also consider whether a particular statute complies with the First Amendment by examining whether the law has a secular purpose. A state program designed specifically for the disbursement of money to religious schools may not withstand that scrutiny. Even placing the state grant program provided for in this bill under the larger umbrella of the legislative tuition grant program could still be viewed by a Court as an attempt to subvert State money to schools that are religious in nature and circumvent the First Amendment.

It should also be noted that federal aid (such as Pell Grants) currently does go to religiously oriented schools such as Bible colleges and that aid is distributed to the schools in the students' names.

EFFECTIVE DATE: This act becomes effective July 1, 2003 and applies to the 2003-2004 academic year and each year thereafter.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 150 (1st Edition)

SHORT TITLE: Amend Leg. Tuition Grants

SPONSOR(S): Representatives Owens and Stam

FISCAL IMPACT						
Y	es (x)	No ()	No Estimate	Available ()		
<u>FY</u>	2003-04	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	
REVENUES						
EXPENDITURES	\$0	\$450,000	\$475,450	\$503,500	\$532,350	
POSITIONS: (cumulative)	0	0	0	0	0	
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Legislative Tuition Grant Program						
EFFECTIVE DATE: 2003-04 academic year, but not paid prior to July 1, 2004.						

BILL SUMMARY: TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER LEARNING. Adds new GS 116-25.1 to make legislative tuition grants available to certain institutions of religious instruction. Makes conforming changes to GS 116-21.3(d) and GS 116-21.4(b). Makes other technical changes. Effective July 1, 2003, and applies to the 2003-04 academic year and to each year thereafter.

ASSUMPTIONS AND METHODOLOGY: Used existing full-time equivalent student data (FTE) for the students attending the two Bible colleges or seminaries that would become eligible under this bill and projected a cumulative 3% enrollment growth per year. In addition, started with the existing \$1800 Legislative tuition grant and assumed a \$50 annual increase which follows the most recent historical budget trends for this program.

SOURCES OF DATA: NC State Education Assistance Authority

TECHNICAL CONSIDERATIONS: The students attending Roanoke Bible College and Southeastern Theological Seminary of Southeastern College have 45 and 205 full-time equivalent students, respectively, for this academic year.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Charlotte Todd

APPROVED BY: James D. Johnson, Director Fiscal Research Division

DATE: April 7, 2003

Art. I, § 19

State v. Hammonds, 141 N.C. App. 152, 541 S.E.2d 166 (2000).

Defendant Denied Right to Speedy Trial.

— Where defendant's case did not occur until nearly three years from the date of arrest for trafficking in cocaine by transporting cocaine, and during that time the case was placed on the trial calendar thirty-one times, but never called by the district attorney, and essential witness was no longer available at time of trial, defendant suffered substantial prejudice, and was denied his right to a speedy trial. State v. Chaplin, 122 N.C. App. 659, 471 S.E.2d 653 (1996)

(1996).

Balancing the four factors enunciated in Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972), defendant was not denied the right to a speedy trial and there was no reasonable probability that had counsel advanced a motion to dismiss based on denial of that right, the result of the proceeding would have been different. State v. Johnson, 124 N.C. App. 462, 478 S.E.2d 16 (1996).

Where there was some prejudice to defendant caused by the delay in her trial, the weight of it in the balancing process was diminished by the absence of any impairment to her defense against the criminal charge and the absence of substantial pretrial incarceration. State v. Webster, 337 N.C. 674, 447 S.E.2d 349 (1994).

Foreign Custody and Absence of Prejudice as Factors in Denying Speedy Trial Violation. — Defendant was not denied his right to a speedy trial by the delay between his indictment in November, 1977 and his trial in July, 1979, where he was either in federal custody or in custody in South Carolina except from February to September, 1978 and March to July, 1979, and the remaining time fell short of denying defendant his constitutional right to a speedy, trial because there was no evidence that any of the delay for which this State was responsible prejudiced his case or his ability to present his defense. State v. Lynch, 300 N.C. 534, 268 S.E.2d 161 (1980).

Sec. 19. Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Cross References. — As to the rights of the defendant in a criminal prosecution, see N.C. Const., Art. I, § 23. For provision that no person shall be excluded from jury service on account of sex, race, color, religion or national origin, see N.C. Const., Art. I, § 26.

History. — The provisions of this section are similar to those of Art. I, § 17, Const. 1868.

Legal Periodicals. — For article on eminent domain in North Carolina, see 35 N.C.L. Rev. 296 (1957).

For note on right of confrontation at presentence investigation, see 41 N.C.L. Rev. 260 (1963).

For comment on the cul-de-sac doctrine, see 44 N.C.L. Rev. 850 (1966).

For case law survey as to eminent domain, see 44 N.C.L. Rev. 941, 1003 (1966).

For case law survey as to due process and double jeopardy, see 45 N.C.L. Rev. 881 (1967). For case law survey as to right to notice and

hearing, see 45 N.C.L. Rev. 883 (1967).
For case law survey as to property rights, see

45 N.C.L. Rev. 887 (1967).
For comment on the public purpose doctrine,

see 3 Wake Forest Intra. L. Rev. 37 (1967).

For note on statutory requirement of safety helmets for motorcyclists, see 6 Wake Forest Intra. L. Rev. 349 (1970).

For article surveying recent decisions by the North Carolina Supreme Court in the area of criminal procedure, see 49 N.C.L. Rev. 262 (1971).

For note analyzing possible constitutional barriers to judicial abrogation of contractual governmental immunity, see 12 Wake Forest L. Rev. 1082 (1976).

For note on use of physical restraints on defendant during trial, see 13 Wake Forest L. Rev. 231 (1977).

For note on the use of state constitutional law to void occupational licensing statutes which unreasonably restrict freedom of occupational choice, see 13 Wake Forest L. Rev. 507 (1977).

For survey of 1979 administrative law, see 58 N.C.L. Rev. 1185 (1980).

For note on state regulation of public solicitation for religious purposes, see 16 Wake Forest L. Rev. 996 (1980).

For survey of 1980 law on civil procedure, see 59 N.C.L. Rev. 1047 (1981).

For survey of 1980 constitutional law, see 59 N.C.L. Rev. 1097 (1981).

For survey of 1981 constitutional law, see 60 N.C.L. Rev. 1272 (1982).

For 1984 survey, "Double Jeopardy and Substantial Rights in North Carolina Appeals," see 63 N.C.L. Rev. 1061 (1985).

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SESSION 2003

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HOUSE BILL 150

GENERAL ASSEMBLY OF NORTH CAROLINA

	Short Titl	le: A	mend Leg. Tuition Grants.	(Public)
	Sponsors	: R	epresentatives Owens, Stam (Primary Sponsors); and Edo	lins.
	Referred	to: E	ducation.	
			March 3, 2003	
1			A BILL TO BE ENTITLED	
2	AN AC	CT 1	O PROVIDE ALTERNATE CRITERIA FOR	AWARDING
3	LEGI	SLAT	IVE TUITION GRANTS TO STUDENTS	ATTENDING
4	ACCI	REDIT	ED INSTITUTIONS OF HIGHER EDUCATION.	
5			ssembly of North Carolina enacts:	
6			TION 1. Article 1 of Chapter 116 of the General Statute	s is amended by
7	adding th		owing new section:	
8			Legislative tuition grants to aid eligible students att	ending certain
9	, -		ate institutions of higher education; different	
10		proc	edure.	
11	<u>(a)</u>	Defin	nitions. – The following definitions apply in this section:	
12		<u>(1)</u>	"Institution" means a nonprofit educational institution	on with a main
13			permanent campus located in this State that satis	fies all of the
14			following:	
15			a. Is not owned or operated by the State of North	
16			an agency or political subdivision of the S	tate or by any
17			combination thereof.	
18			b. Is accredited by the Southern Association of	f Colleges and
19			Schools under the standards of the College Del	egate Assembly
20			of the Association.	
21			c. Awards a postsecondary degree as defined in G.	S. 116-15.
22		(2)	"Main permanent campus" means a campus that is	
23			institution that provides permanent on-premises	housing, food
24			services, and classrooms with full-time faculty	
25			administration that engage in postsecondary degree ac	tivity as defined
26			in G.S. 116-15.	
27		<u>(3)</u>	"Student" means a person enrolled in and attendin	g an institution
28			located in the State (i) who qualifies as a resident of N	
29			accordance with definitions of residency that may from	

	GENERAL ASSEMBLY OF NORTH CAROLINA	SESSION 2003
1	adopted by the Board of Governors of The U	Jniversity of North
2	Carolina and published in the residency manual o	f the Board, and (ii)
3	who has not received a bachelors degree, or qu	alified therefor, and
4	who is otherwise classified as an undergraduate ur	der such regulations
5	as the Board of Governors of The University of	North Carolina may
6	promulgate. Qualification for in-State tuition ur	der G.S. 116-143.3
7	makes a person a "student" as defined in this subdi	vision.
8	(b) Eligibility A student is eligible for a legislative tuit	ion grant under this
9	section for an academic year if the student is a full-time North Car	rolina undergraduate
10	student attending an institution as defined by this section and i	s not eligible for a
11	legislative tuition grant under G.S. 116-21.2 for the same academic	<u>year.</u>
12	(c) Administration. – The legislative tuition grants provide	d for in this section
13	shall be administered by the State Education Assistance Authori	ty pursuant to rules
14	adopted by the State Education Assistance Authority not inconsiste	ent with this section.

- adopted by the State Education Assistance Authority not inconsistent with this section. The State Education Assistance Authority shall pay the legislative tuition grant to each student eligible under this section. The amount of the grant shall be the same sum as determined by the General Assembly under G.S. 116-21.2. The legislative tuition grant shall be paid to a student only after the student completes the academic year. The grant shall be paid directly to the student on or after July 1 following the completion of the academic year. The State Education Assistance Authority shall not remit any grant until it receives proper certification from an institution that the student applying for the grant is an eligible student.
- Shortfall. In the event there are not sufficient funds to provide each eligible (d) student with a full grant:
 - The Board of Governors of The University of North Carolina, with the (1)approval of the Office of State Budget and Management, may transfer available funds to meet the needs of the programs provided by this section: and
 - **(2)** Each eligible student shall receive a pro rata share of funds then available for the appropriate academic year within the fiscal period covered by the current appropriation.
 - Reversion. Any remaining funds shall revert to the General Fund." (e) **SECTION 2.** G.S. 116-21.3(d) reads as rewritten:
- A legislative tuition grant authorized under G.S. 116-21.2 or G.S. 116-25.1 shall be reduced by twenty-five percent (25%) for any individual student who has completed 140 semester credit hours or the equivalent of 140 semester credit hours."

SECTION 3. G.S. 116-21.4(b) reads as rewritten:

- Expenditures made pursuant to G.S. 116-19, 116-20, 116-21.1, or 116-21.2 116-21.2, or 116-25.1 shall not be used for any student who:
 - Is incarcerated in a State or federal correctional facility for committing (1) a Class A, B, B1, or B2 felony; or
 - (2) Is incarcerated in a State or federal correctional facility for committing a Class C through I felony and is not eligible for parole or release within 10 years."

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SECTION 4. This act becomes effective July 1, 2003, and applies to the 2003-2004 academic year and each year thereafter.

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 150 (1st Edition)

SHORT TITLE: Amend Leg. Tuition Grants

SPONSOR(S): Representatives Owens and Stam

FISCAL IMPACT					
Yes (x) No () No Estimate Available ()					
<u>FY</u> :	2003-04	<u>FY 2004-05</u>	FY 2005-06	<u>FY 2006-07</u>	FY 2007-08
REVENUES					
EXPENDITURES	\$0	\$450,000	\$475,450	\$503,500	\$532,350
POSITIONS: (cumulative)	0	0	0	0	0
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Legislative Tuition Grant Program					
EFFECTIVE DATE: 2003	-04 acade	mic year, but n	ot paid prior to	July 1, 2004.	

BILL SUMMARY: TO PROVIDE ALTERNATE CRITERIA FOR AWARDING LEGISLATIVE TUITION GRANTS TO STUDENTS ATTENDING ACCREDITED INSTITUTIONS OF HIGHER LEARNING. Adds new GS 116-25.1 to make legislative tuition grants available to certain institutions of religious instruction. Makes conforming changes to GS 116-21.3(d) and GS 116-21.4(b). Makes other technical changes. Effective July 1, 2003, and applies to the 2003-04 academic year and to each year thereafter.

ASSUMPTIONS AND METHODOLOGY: Used existing full-time equivalent student data (FTE) for the students attending the two Bible colleges or seminaries that would become eligible under this bill and projected a cumulative 3% enrollment growth per year. In addition, started with the existing \$1800 Legislative tuition grant and assumed a \$50 annual increase which follows the most recent historical budget trends for this program.

SOURCES OF DATA: NC State Education Assistance Authority

TECHNICAL CONSIDERATIONS: The students attending Roanoke Bible College and Southeastern Theological Seminary of Southeastern College have 45 and 205 full-time equivalent students, respectively, for this academic year.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Charlotte Todd

APPROVED BY: James D. Johnson, Director Fiscal Research Division

DATE: April 7, 2003



HOUSE BILL 150: Amend Leg. Tuition Grants

BILL ANALYSIS

Committee: House Education Subcommittee

on Universities

Date: March 31, 2003

Version: PCS to First Edition

Introduced by: Reps. Owens and Stam

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: House Bill 150 would allow eligible students at certain private colleges that award postsecondary degrees to receive the legislative tuition grants that are currently provided to eligible North Carolina undergraduate students attending private colleges in North Carolina. This bill would establish a different administrative procedure for the disbursement of the legislative tuition grants to the undergraduate students attending some private colleges.

The PCS changes the General Statute section number from G.S. 116-25.1 to G.S. 116-43.5. In addition, the PCS titles the grants provided in this bill as state grants and eliminates references to the legislative tuition grants provided under G.S.116-21.2

CURRENT LAW: Under the current law, North Carolina undergraduate students who attend private educational institutions that are seminaries, Bible schools, Bible colleges, or "other similar religious institutions" are not eligible to receive the legislative tuition grants that are granted to other North Carolina undergraduate students who attend private educational institutions in the State. Currently, the State provides \$1800.00 for each North Carolina undergraduate student who meets the definition of student and attends an eligible institution. The State Education Assistance Authority distributes the money to the approved institutions which then credit the students' accounts in the amount of the grant.

BILL ANALYSIS: This bill would establish a different administrative procedure to provide legislative tuition grants to eligible North Carolina undergraduate students who attend a private nonprofit educational institution that is not owned or operated by the State, is accredited by the Southern Association of Colleges and Schools, and awards a postsecondary degree as it is defined in G.S. 116-15. A student is eligible if the student is a full-time student attending the institutions defined in this bill.

The bill directs the State Education Assistance Authority (SEAA) to adopt rules to administer the legislative tuition grants provided for in the bill. The SEAA is further directed to pay the legislative tuition grants directly to the eligible students and the amount of the grant will be the same as the grant to students attending other private colleges as determined by the General Assembly. The legislative tuition grant can be paid to the student only after he or she completes the academic year and the SEAA must receive proper certification from the institution that the student is eligible. Sections 2 and 3 of the bill make conforming changes in the statutes. The first disbursement of money would be in the second year of this biennium (July, 2004).

The PCS changes the General Statute section number to G.S. 116-43.5, changes the name of the legislative tuition grants awarded in the bill to state grants and eliminates references to the legislative tuition grant program under G.S. 116-25.1.

BACKGROUND/CONSTITUTIONAL QUESTIONS: Because this bill provides for a different procedure and possibly a different program to distribute State money to eligible students attending educational institutions that are religious in nature, there could be some Constitutional issues concerning the First Amendment of the United States Constitution.

HOUSE BILL 150

Page 2

There have been a number of cases that have addressed similar issues but the factual situations in those cases have differed in some way from what is proposed in this bill. In Smith v. Bd. Of Govs. of UNC. 429 F. Supp. 871 (WDNC, 1977), aff'd without opinion, 98 S.Ct. 2337 (1978), the Court held that North Carolina could send legislative tuition grants to Belmont Abbey College and Phieffer College, on the basis that State aid in the form of tuition grants served a secular purpose (ie: education). The Court determined that although these schools had a presence of religion in their curriculum, the inculcation of religion was not the primary purpose of their programs. Therefore even if the aid indirectly assisted a school with a religious affiliation, that alone was not sufficient to invalidate the aid on First Amendment grounds. A couple of United States Supreme Court cases have also allowed State money to flow to religious schools. In Witters v. Washington Dept. of Services for the Blind, 106 S. Ct. 748 (1986), a state grant of assistance that went directly to the students who then in turn applied it to their accounts at their institutions was deemed to not be in violation of the First Amendment because the aid went to the private religious schools as a result of the independent and private choice of the student. State programs that are entirely neutral in offering education without reference to religion do not violate the First Amendment according to the Court in Witters. The Supreme Court came to a similar conclusion recently in Zelman v. Harris, 122 S. Ct. 2460 (2002) where it upheld the Ohio school voucher program because the voucher program itself was designed to be neutral and provided assistance directly to students who then take the money and direct it towards the schools of their choice, either religious or non-religious.

Furthermore, it should be noted that a Court would probably also consider whether a particular statute complies with the First Amendment by examining whether the law has a secular purpose. A state program designed specifically for the disbursement of money to religious schools may not withstand that scrutiny. Even placing the state grant program provided for in this bill under the larger umbrella of the legislative tuition grant program could still be viewed by a Court as an attempt to subvert State money to schools that are religious in nature and circumvent the First Amendment.

It should also be noted that federal aid (such as Pell Grants) currently does go to religiously oriented schools such as Bible colleges and that aid is distributed to the schools in the students' names.

EFFECTIVE DATE: This act becomes effective July 1, 2003 and applies to the 2003-2004 academic year and each year thereafter.

MEETING MINUTES

EDUCATION Subcommittee on Universities

April 22, 2003

The House EDUCATION/subcommittee on Universities met on Wednesday April 22, 2003 at 5:13 p.m. in Room 415 of the Legislative Office Building. The following members were present: Co-Chairs Mary McAllister and Joanne Bowie; Vice Chair, Ray Rapp; Representatives Daughtridge, Haire, Stiller, Ex-Officio, Harold Brubaker and Staff Members Drupti Chauhan and Sara Kamprath.

Co-Chair Mary McAllister called the meeting to order to consider the following bills:

HB 825, Meningitis & Hepatitis B Immunization, AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL AND HEPATITIS B IMMUNIZATION INFORMATION TO STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS.

The primary sponsors of the bill were Representatives Bowie, Grady and Glazier. Representative Bowie presented the bill. Representative McAllister recognized Mr. Harrison, Executive Director of Wake County Department of Health & Human Services who supported this bill by indicating the vaccine is covered by insurance. The bill was voted favorable to the committee substitute, an unfavorable vote to the original bill and was reported directly to the House floor. Refer to Chamber desk meeting minutes dated Wednesday April 23, 2003.

HB 928, Appalachian State/Regulate Parking, AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS.

Representative Brubaker was the sponsor of this bill. After committee discussion, the bill was voted a favorable report and was reported directly to the House floor.

HB 975, Exempt UNC/Term & Convenience Contract Reqs, AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF NORTH CAROLINA.

Representative Brubaker was the sponsor of the bill. Representative Rapp questioned the contracts. Representative McAllister recognized visitors James Smith, UNC; Ernie Murphey, NC State University; McKinley Wooten, Bob Reinhart, Department of Administration and Mark Fleming of the University Systems to speak on behalf of the bill. Upon recommendation by Representative Haire and committee vote, the bill was displaced and rescheduled for the next committee meeting. Refer to meeting minutes dated Wednesday April 23, 2003.

HB 1016, UNC/Add Nonsmoking Areas, AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.

Representatives Carney, Haire, Earle, England, Insko, Pate, Ross, Sauls, Tolson and Weiss were the primary sponsors. Representative Haire explained the bill. Mark Fleming of the University Systems commented that 20% of university campus space is designated as "smoking" areas. Representative Daughtridge questioned what law regulates smoking and non-smoking areas. Mr. Fleming re-emphasized 20% of interior space as smoking. Representative Daughtridge questioned the space in the halls and felt there should be equal space that is smoke free and an equal space that is designated as smoking to give students a choice. Representative Bowie made a motion to revise the bill to include a percentage of the non-smoking areas of residential halls at a constituent institution. Representative Haire agreed to review and revise the bill for the next committee meeting.

The Committee discussed the bill and the bill was voted favorable report to the committee substitute, unfavorable to the original bill and was reported directly to the House floor. Refer to meeting minutes dated Wednesday April 23, 2003.

Representative McAllister adjourned the meeting at 5:53 pm since there were no additional bills to be heard.

Respectfully submitted by,

Represenfative McAllister

Presiding Co-Chair

Johnna C. Smith

Committee Assistant

Johnna Smith (Rep. McAllister)

From: Johnna Smith (Rep. McAllister)

Sent: Tuesday, April 22, 2003 11:34 AM

To: Johnna Smith (Rep. McAllister)

Cc: Peggy Murray (Rep. Grady); Sharon Gaudette (Rep. Bowie); Carin Savel (Rep. Glazier); Cindy Coley (Rep.

Brubaker); Sara Jane Lennard (Rep. Haire); Joyce Langdon (Rep. Carney); Ann Raeford (Rep. Earle); Lisa Brown (Rep. England); Pam Evans (Rep. Insko); Edna Pearce (Rep. Pate); Cleta Covington (Rep. Ross); Shara Graham (Rep. Sauls); Gayle Christian (Rep. Tolson); Susan Doty (Rep. Weiss); @House/Sub on Universities; Drupti Chauhan (Research); Sara Kamprath (Research); @HouseCommitteeNotice; Ann Stancil (Rep. Warner); Wendy

Miller (Rep. Steve Wood); Anne Soles (Rep. Hilton); Phyllis Cameron (Rep. Bonner)

Subject: RE: HOUSE SUBCOMMITTEE MEETING NOTICE

SECOND NOTICE REGARDING MEETING TIME - 4/22/03

----Original Message----

From: Johnna Smith (Rep. McAllister)
Sent: Monday, April 21, 2003 12:18 PM
To: Johnna Smith (Rep. McAllister)

Cc: Peggy Murray (Rep. Grady); Sharon Gaudette (Rep. Bowie); Carin Savel (Rep. Glazier); Cindy Coley (Rep. Brubaker); Sara Jane Lennard (Rep. Haire); Joyce Langdon (Rep. Carney); Ann Raeford (Rep. Earle); Lisa Brown (Rep. England); Pam Evans (Rep. Insko); Edna Pearce (Rep. Pate); Cleta Covington (Rep. Ross); Shara Graham (Rep. Sauls); Gayle Christian (Rep. Tolson); Susan Doty (Rep. Weiss); @House/Sub on Universities; Drupti Chauhan (Research); Sara Kamprath (Research); @HouseCommitteeNotice; Ann Stancil (Rep. Warner); Wendy Miller (Rep. Steve Wood); Anne Soles (Rep. Hilton); Phyllis Cameron (Rep. Bonner)

Subject: RE: HOUSE SUBCOMMITTEE MEETING NOTICE

REVISED MEETING TIME

----Original Message----

From: Johnna Smith (Rep. McAllister)
Sent: Thursday, April 17, 2003 1:18 PM
To: Johnna Smith (Rep. McAllister)

Cc: Peggy Murray (Rep. Grady); Sharon Gaudette (Rep. Bowie); Carin Savel (Rep. Glazier); Cindy Coley (Rep. Brubaker); Sara Jane Lennard (Rep. Haire); Joyce Langdon (Rep. Carney); Ann Raeford (Rep. Earle); Lisa Brown (Rep. England); Pam Evans (Rep. Insko); Edna Pearce (Rep. Pate); Cleta Covington (Rep. Ross); Shara Graham (Rep. Sauls); Gayle Christian (Rep. Tolson); Susan Doty (Rep. Weiss); @House/Sub on Universities; Drupti Chauhan (Research); Sara Kamprath (Research); @HouseCommitteeNotice; Ann Stancil (Rep. Warner); Wendy Miller (Rep. Steve Wood); Anne Soles (Rep. Hilton); Phyllis Cameron (Rep. Bonner)

Subject: HOUSE SUBCOMMITTEE MEETING NOTICE

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE 2003-2004 SESSION

You are hereby	notified that t	he Committee or	n EDUCATIO	N/Subcommittee	on Universities	will meet
as follows:						

DAY & DATE:

Tuesday, April 22, 2003

TIME:

15 minutes after session (Back to the orginal time since session is at

2:00 p.m.)

LOCATION:

415 LOB

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB825 - Meningitis & Hepatitis B Immunization-

Primary Sponsors: Reps. Grady, Bowie, Glazier

HB928 - Appalachian State/Regulate Parking

Primary Sponsor: Rep. Brubaker

HB975 - Exempt UNC/Term & Convenience Contract Reqs.

Primary Sponsor: Representative Brubaker

HB1016 - UNC/Add Nonsmoking Areas

Primary Sponsors: Reps. Haire, Carney, Earle, England, Insko, Pate,

Ross, Sauls, Tolson, Weiss

Respectfully,

Representatives McAllister and Bowie Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at 3:00 pm on Thursday April 17, 2003.

___Principal Clerk ___Reading Clerk - House Chamber

Johnna Smith and Sharon Gaudette (Committee Assistants)

MEETING AGENDA

EDUCATION/ Subcommittee on Universities

Wednesday April 22, 2003 Room 415 LOB After Session

CALL TO ORDER:

Representative Mary McAllister, CHAIR

BILL CONSIDERATION:

- HB825 Meningitis & Hepatitis B Immunization Primary Sponsors: Reps. Bowie, Grady, Glazier
- HB928 Appalachian State/Regulate Parking Primary Sponsor: Rep. Brubaker
- HB975 Exempt UNC/Term & Convenience Contract Reqs. Primary Sponsor: Rep. Brubaker
- HB1016 UNC/Add Nonsmoking Areas
 Primary Sponsors: Reps. Haire, Carney, Earle, England,
 Insko, Pate, Ross, Sauls, Tolson, Weiss

VISITOR REGISTRATION SHEET

11	
Name of Committee	July Com. 4-22-03
	Date
VISITORS: PLEASE SIGN BELOW AN	ID RETURN TO COMMITTEE CLERK
NAME	FIRM OR AGENCY AND ADDRESS
LAK IMPRISON	
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Ernic Murphren	C) (B) V
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Mark Flemin	
Gen Maill	hourty System
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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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(Public)

HOUSE BILL 825 PROPOSED COMMITTEE SUBSTITUTE H825-CSRJ-12 [v.4]

4/21/2003 9:01:49 AM

Short Title: Meningitis & Hepatitis B Immunization Info.

	Sponsors:
	Referred to:
	April 1, 2003
1	A BILL TO BE ENTITLED
2	AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT
3	OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL
4	AND HEPATITIS B IMMUNIZATION INFORMATION TO STUDENTS IF THE
5	INSTITUTION HAS A RESIDENTIAL CAMPUS.
6	The General Assembly of North Carolina enacts:
7	SECTION 1. Chapter 116 of the General Statutes is amended by adding a
8	new article to read:
9	" <u>Article 32.</u>
10	" <u>Health Information.</u>
11	"§ 116-260. Information on meningococcal and hepatitis B immunization.
12	(a) Each public or private educational institution that offers a postsecondary
13	degree as defined in G.S. 116-15 and that has a residential campus shall provide
14	vaccination information on meningococcal and hepatitis B diseases to each student.
15	The vaccination information shall be contained on student health forms provided to each
16	student by the educational institution and shall include space for the student to indicate
17	whether or not the student has received the vaccination against the diseases. The
18	vaccination information about meningococcal and hepatitis B diseases shall include any
19	recommendations issued by the national Centers for Disease Control and Prevention
20	regarding the diseases.
21	(b) The vaccination information obtained under this section that is in the
22	possession of the educational institution is confidential and shall not be a public record
23	<u>under G.S. 132-1.</u>
24	(c) This section shall not be construed to require the educational institution to
25	provide the meningococcal and hepatitis B vaccinations to students.
26	(d) This section shall not apply if the national Centers for Disease Control and
27	Prevention no longer recommends the vaccinations in this section for the general

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

1 (e) This section does not create a private right of action."

SECTION 2. This act is effective when it becomes law and applies to the 2003-2004 academic year and each subsequent year.



HOUSE BILL 825: Meningitis & Hepatitis B Immunization Info.

BILL ANALYSIS

Committee: House Subcommittee on

Universities

Date:

April 22, 2003

Version: PCS for First Edition

H825-CSRJ-12[v.4]

Introduced by: Reps. Grady, Bowie and

Glazier

Summary by: Sara Kamprath

Committee Analyst

BILL ANALYSIS: House Bill 825 creates a new section in Chapter 116 of the General Statutes relating to certain public and private educational institutions with a residential campus providing vaccination information to each student on meningococcal and hepatitis B diseases. The vaccination information shall be included on the student health form provided to each student and shall include any recommendations from the Centers for Disease Control and Prevention regarding the diseases. The health form shall provide space for the student to indicate whether he has received the vaccinations. The vaccination information obtained under this section is confidential and shall not be a public record under G.S. 132-1.

The educational institution is not required to provide the meningococcal and hepatitis B vaccination to students. If the national Centers for Disease Control and Prevention no longer recommends the meningococcal and hepatitis B vaccination for the general population then the section does not apply. The section does not create a private right of action.

The bill is effective when it becomes law and applies beginning with the 2003-04 academic year.

BACKGROUND: G.S. 130A-155.1 provides that no person can attend a public, private or religious college or university without presenting a certificate of immunization or a record of immunization from a NC high school. The document must indicate that the person has received the immunizations required by G.S. 130A-152. If the information is not available when the person first registers then the person shall have a certain amount of time to get the required immunization. If the person has not received the immunization within that time period then the student will have to withdraw. Currently, the meningococcal and hepatitis B vaccinations are not required.

Meningitis is an infection of the fluid of the spinal cord and the fluid that surrounds the brain. The disease is usually caused by a viral or bacterial infection. Bacterial meningitis may result in brain damage, hearing loss, learning disability and sometimes death. The Journal of the American Medical Association recently reported that freshmen living in dormitories have a higher risk of getting meningococcal disease than college students overall. The Centers for Disease Control and Prevention recommends that colleges and universities provide information about meningococcal disease and the vaccine to freshmen, especially those planning to live in dorms or residence halls.

Hepatitis B is caused by a virus that attacks the liver and can lifelong infection, cirrhosis, liver cancer, liver failure and sometimes death. The Centers for Disease Control and Prevention recommends that all children 0-18 who have not been vaccinated should receive the vaccination.

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SESSION 2003

GENERAL ASSEMBLY OF NORTH CAROLINA

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HOUSE BILL 928

	Short Title:	Appalac	nian State/Regulate Parking.	(Public)
	Sponsors:	Represe	ntative Brubaker.	
	Referred to:	Education	n Subcommittee on Universities.	
			April 8, 2003	
1			A BILL TO BE ENTITLED	
2			RIZE APPALACHIAN STATE UNIVERSITY	Y TO REGULATE
3			RTAIN STREETS.	•
4			of North Carolina enacts:	
5			1. G.S. 116-44.5(2) reads as rewritten:	
6	U	•	provisions applicable to identified constitue	ent institutions of
7			ity of North Carolina.	
8			powers granted by G.S. 116-44.4, the board of	
9	the constitue	ent institu	tions enumerated hereinafter shall have the	additional powers
10	prescribed:			
11	•••			
12	(2)) The	Board of Trustees of Appalachian State U	Iniversity may by
13			ance prohibit, regulate, and limit the parking of	
14			portions of the following public streets in the	
15			e parking is not prohibited by an ordinance	e of the Town of
16		Boor		710 001 /TT 1'
17		a.	Faculty Rivers Street, between U.S. 221-	U.S. 321 (Hardin
18			Street) and Water Street;	
19		b.	Stadium Drive, between Faculty Rivers St	treet and Fernelitt
20			Hemlock Drive;	/77° C
21		c.	College Street, between U.S. 421-U.S. 321	
22			Locust Street; to the extent that it is bounded	d on both sides by
23			the university campus;	. 1 II
24		d.	Appalachian Street, between Locust Street an	
25		e.	Brown Street, between Locust Street and Hove	
26		<u>f.</u>	Hill Street, only on the half of Hill Street	et bounded by the
27			university campus;	d - C C4
28	•	<u>g.</u>	Stansberry Circle, from Holmes Drive to the	end of Stansberry
29			Circle:	

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SESSION 2003

1	<u>h.</u>	Locust Street, from U.S. 221-U.S. 321 (Hardin Street) to the
2		end of Locust Street; and
3	<u>i.</u>	Dale Street, from State Farm Road to the end of Dale Street."
4	SECTION 2.	This act is effective when it becomes law.



HOUSE BILL 928: Appalachian State/Regulate Parking

BILL ANALYSIS

Committee: House Subcomittee on

Universities

Date:

April 19, 2003 1st Edition

Version: 1st

Introduced by: Rep. Brubaker

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: This bill expands the list of streets along which Appalachian State University may through ordinance prohibit, regulate and limit parking of motor vehicles if parking is not prohibited by an ordinance of the Town of Boone.

CURRENT LAW: Each board of trustees of a constituent university may, through ordinances, prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic and the parking of motor vehicles on campus including public streets designated in G.S. 116-44.5 if parking is not prohibited by an ordinance or other law of any affected municipality, county or other governmental entity. If an ordinance or other law is adopted to prohibit parking on any portion of any public street or road that is being regulated by an ordinance of a board of trustees, the ordinance of the board of trustees is superceded.

BILL ANALYSIS: This bill revises the list of public streets that Appalachian State University may prohibit, regulate, and limit parking on through adopting ordinances.

EFFECTIVE DATE:

This act becomes effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 975 PROPOSED COMMITTEE SUBSTITUTE H975-PCS60314-RQ-15

Short Title: UNC Purchasing Flexibility.	(Public)
Sponsors:	
Referred to:	
April 9, 2003	
A BILL TO BE ENTITLED AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR NORTH CAROLINA. The Caronal Assembly of North Carolina spects.	R THE UNIVERSITY OF
The General Assembly of North Carolina enacts: SECTION 1. G.S. 116-13 reads as rewritten:	
"§ 116-13. Powers of Board regarding property property	y and services subject to
general law. (a) The power and authority granted to the Board of Goacquisition, operation, maintenance and disposition of real a services shall be subject to, and exercised in accordance Chapters 143 and 146 of the General Statutes. Statutes and rel Carolina Administrative Code, except when a purchase is covered by a State term contract and either: (1) The funds used to procure personal propromoneys appropriated from the General Funding the case of multiple fund sources, money General Fund or received as tuition do not expect the contract and either:	overnors with regard to the and personal property and with, the provisions of lated sections of the North being made that is not perty or services are not dor received as tuition or, eys appropriated from the exceed thirty percent (30%)
(2) The funds used to procure personal propert and grant funds or, in the case of multiple and grant funds exceed fifty percent (50%) o	fund sources, the contract
When a special responsibility constituent institution is	
subdivision (1) or (2) of this subsection, the requirements of C	
apply, except the approval or oversight of the Secretary of	Administration, the State
Purchasing Officer, or the Board of Awards shall not be req	uired, regardless of dollar
value. (b) Special responsibility constituent institutions sho	11 have the
(b) Special responsibility constituent institutions sha	an have the authority to

purchase equipment, materials, supplies, and services from sources other than those

1	certified by the	Secretary of Administration on term contracts, subject to the following
2	conditions:	
3	(1)	The purchase price, including the cost of delivery, is less than the cost
4		under the State term contract;
5	<u>(2)</u>	The items are the same or substantially similar in quality, service, and
6		performance as items available under State term contracts;
7	<u>(3)</u>	The cost of the purchase shall not exceed the benchmark established
8		under G.S. 116-31.10; and
9	<u>(4)</u>	The special responsibility constituent institution notifies the
10		Department of Administration of purchases consistently being made
1		under this provision so that State term contracts may be improved."
12	SECT	TION 2. This act becomes effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 975

Short Title: Exempt UNC/Term & Convenience Contract Reqs. (Public)

Sponsors: Representative Brubaker.

Referred to: Education Subcommittee on Universities.

April 9, 2003

A BILL TO BE ENTITLED
AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM

CERTAIN REQUIREMENTS REGARDING TERM AND CONVENIENCE CONTRACTS. The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-13 reads as rewritten:

"§ 116-13. Powers of Board regarding property property and services subject to general law.

- (a) The power and authority granted to the Board of Governors with regard to the acquisition, operation, maintenance and disposition of real and personal property and services shall be subject to, and exercised in accordance with, the provisions of Chapters 143 and 146 of the General Statutes. Statutes and related sections of the North Carolina Administrative Code, except when either:
 - (1) The funds used to procure personal property or services are not moneys appropriated from the General Fund or received as tuition or, in the case of multiple fund sources, moneys appropriated from the General Fund or received as tuition do not exceed thirty percent (30%) of the total funds; or
 - (2) The funds used to procure personal property or services are contract and grant funds or, in the case of multiple fund sources, the contract and grant funds exceed fifty percent (50%) of the total funds.
- (b) When procurement of personal property or services would otherwise be controlled by State term and convenience contracts, the Board of Governors may, but is not required to, procure personal property or services according to the terms and conditions of the State term and convenience contracts, and may negotiate its own term and convenience contracts where the terms and conditions for the same property and services are more favorable than the State term and convenience contracts."

SECTION 2. This act becomes effective July 1, 2003.



HOUSE BILL 975: Exempt UNC/Term & Convenience Contract Requirements

Committee:

House Education Subcommittee

Introduced by: Representative Brubaker

on Universities

Drupti Chauhan

Date: April 28, 2003 Summary by:

Committee Counsel

Version:

PCS H975-CSRQ-15 [v.1]

This bill would exempt the University of North Carolina from some of the purchasing requirements that are currently in place. The Board of Governors would be able to buy personal property and services outside of State term and convenience contracts when certain conditions outlined in the bill are met.

The PCS changes the short and long title of the bill and puts the additional requirement that the purchase being made is not covered by a State term contract before the Board of Governors would be exempted from the purchasing and contract regulations when buying property or services with funds other than General Fund or tuition or multiple sources under subsections (a)(1) and (a)(2) of the bill. The requirements of Chapter 143, Article 3 regarding the procedure in canvassing bids and awarding contracts would still apply the Board of Governors but without the oversight of the Department of Administration. The PCS also changes the language in subsection (b) by adding conditions that must be met in order for the Board of Governors to purchase equipment, materials, supplies, and services from noncertified sources.

G.S. 116-13 provides that Board of Governors must acquire, operate, maintain, **CURRENT LAW:** and dispose of real and personal property pursuant to Chapters 143 and 146 of the General Statutes. Chapter 143 covers the State purchasing and contract statutes and sets out the Department of Administration procedures for purchasing and contracts that the Board of Governors must follow. The contracts must be made by or with the approval of the Department of Administration. If a needed item is covered by a state term contract, it must be purchased from the term contract supplier or "certified source" under the terms and conditions specified. Chapter 146 relates to the acquisition and disposition of real property.

This bill would allow the Board of Governors to be exempt from the State **BILL ANALYSIS:** purchasing and contract regulations in the certain situations set forth:

- 1. The Board of Governors would be exempted from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not funds that were appropriated from the General Fund or received as tuition. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from other sources) then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds does not exceed 30% of the total funds needed to purchase the property or services.
- 2. The Board of Governors would be exempt from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not from the General Fund or tuition but instead are grant or contract funds. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from grants or contracts), then the Board would be exempted from the State purchasing and contract

HOUSE BILL 975

Page 2

regulations if the General Fund or tuition part of the funds are less than 50% of the total funds needed to purchase the property or services.

PCS Changes: The PCS requires that purchases made under this subsection not be covered by State term contracts.

Subsection (b) would allow the Board of Governors to be exempt from the State purchasing and contract regulations in situations where the purchase would normally be covered by the State purchasing and contract regulations if the terms and conditions it negotiates for the same property and services are more favorable than the State contracts.

In order to make these purchases from noncertified sources, 4 conditions would **PCS Changes:** have to be met:

- Purchase price including cost of delivery is less than the cost under the State term contract
- Items are the same or substantially similar as items under the State term contract
- Cost does not exceed the benchmark established in General Statutes
- The special responsibility constituent institution notifies the Department of Administration about purchases that are consistently being made under this provision so that State term contracts can be improved

EFFECTIVE DATE: This act would become effective July 1, 2003.



HOUSE BILL 975: Exempt UNC/Term & Convenience Contract Requirements

Committee: House Education Subcommittee

Introduced by: Representative Brubaker

on Universities

Drupti Chauhan Summary by:

April 21, 2003 Date:

Committee Counsel

Version:

1st Edition

SUMMARY: This bill would exempt the University of North Carolina from some of the purchasing requirements that are currently in place. The Board of Governors would be able to buy personal property and services outside of the State term and convenience contracts when certain conditions outlined in the bill are met.

CURRENT LAW: G.S. 116-13 provides that Board of Governors must acquire, operate, maintain, and dispose of real and personal property pursuant to Chapters 143 and 146 of the General Statutes. Chapter 143 covers the State purchasing and contract statutes and sets out the Department of Administration procedures for purchasing and contracts that the Board of Governors must follow. The contracts must be made by or with the approval of the Department of Administration. If a needed item is covered by a state term contract, it must be purchased from the term contract supplier or "certified source" under the terms and conditions specified. Chapter 146 relates to the acquisition and disposition of real property.

BILL ANALYSIS: This bill would allow the Board of Governors to be exempt from the State purchasing and contract regulations in the certain situations set forth:

- 1. The Board of Governors would be exempted from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not funds that were appropriated from the General Fund or received as tuition. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from other sources) then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds does not exceed 30% of the total funds needed to purchase the property or services.
- 2. The Board of Governors would be exempt from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not from the General Fund or tuition but instead are grant or contract funds. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from grants or contracts), then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds are less than 50% of the total funds needed to purchase the property or services.

Subsection (b) would allow the Board of Governors to be exempt from the State purchasing and contract regulations in situations where the purchase would normally be covered by the State purchasing and contract regulations if the terms and conditions it negotiates for the same property and services are more favorable than the State contracts.

EFFECTIVE DATE:

This act would become effective July 1, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

3

HOUSE BILL 1016

Committee Substitute Favorable 4/24/03 Senate Education/Higher Education Committee Substitute Adopted 6/11/03

	Short Title: UNC/Add Nonsmoking Areas.	(Public)
	Sponsors:	
	Referred to:	W
•	April 10, 2003	
1	A BILL TO BE ENTITLED	
2	AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS N	IONSMOKING
3	AREAS.	IOINSMORING
4	The General Assembly of North Carolina enacts:	
5	SECTION 1. G.S. 143-597(a) reads as rewritten:	
6	"(a) All of the following areas may be designated as nonsmoking	na in buildings
7	owned, leased, or occupied by State government:	ng m bunumgs
8	(1) Any library open to the public.	
9	(2) Any museum open to the public.	
10	(3) Any area established as a nonsmoking area, so long as	at least twenty.
11	percent (20%) of the interior space of equal quality	to that of the
12	nonsmoking area shall be designated as a smoking	g area unless
13	physically impracticable. If physically impracticable,	the person in
14	charge of the facility shall provide an adequate smok	ing area within
15	the facility as near as feasible to twenty percent (20%)	of the interior
16	space.	or the interior
17	(4) Any indoor space in a State-controlled building such as	an auditorium
18	arena, or coliseum, or an appurtenant building thereof	
19	designated area for smoking shall be established in lobb	v areas
20	(5) Any educational buildings primarily involved in	n health care
21	instruction.	
22	(6) University of North Carolina health services facil	ities, wellness
23	centers, enclosed physical education facilities, enclosed	
24	recreational centers, laboratories, or residence halls, pro	
25	constituent institution shall make a reasonable effe	ort to provide
26	residential smoking rooms in residence halls in propor	tion to student
27	demand for those rooms."	
28 .	SECTION 2. This act is effective when it becomes law.	

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	HB 825 TO ORIGINAL HOUSE FLOOR	Sponsor Motion by Motion by Motion by Motion by	REP. BOWIE REP. PAPP
·	********	*****	
Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	HB 928 HOUSE FLOOR	Sponsor Motion by Motion by Motion by Motion by	REP. BRUBAKER DED. BOWIE
	*******	*****	
Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	DISPLACE AND RESCHEDU	Sponsor Motion by Motion by Motion by Motion by Motion by	PEP. BRUBAKER BEP. HAIRE
Bill Favorable Unfavorable Amended Comm. Sub. Original Bill	HB1016	Sponsor Motion by Motion by Motion by Motion by	CO-SPONSOIZ HAIRE
Re-referred Other Action	PEVISE	Motion by	REP. BOWIE

4/23/03

02/06/02

2003 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(s) Bowie and McAllister, Chairs for the Permanent Subcommittee on Universities of the Standing Committee on Education .
Committee Substitute for H.B. 928 A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPALACHIAN STATE UNIVERSITY TO REGULATE PARKING ON CERTAIN STREETS.
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 rereferred 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION.
With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on)

2003 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(s) Bowie and McAllister, Chairs for the Permanent Subcommittee on Universities of the Standing Committee on Education .
Committee Substitute for H.B. 1016 A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS.
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 rereferred 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION.
With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on)

4/22/03 6:10 PM

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby noting Universities will me	fied that the Committee on EDUCATION/subcommittee On eet as follows:
DAY & DATE:	Wednesday, April 23, 2003
TIME:	1 PM
LOCATION:	Room 424
HB 1016 – UNC/Al HB 1070 – Purchas	will be considered (Bill # & Short Title & Bill Sponsor): UNC/Term & Convenience Contract Requirements Sponsors: Brubaker DD Nonsmoking Areas Sponsor: Haire se Contracts/Increase UNC Benchmark Sponsors: Miner/McComas exible Benefits Clarification Sponsors: Miner/McComas
	Respectfully, Representative Bowie and McAllister Co-Chairs
I hereby certify this 9 AM on Wednesda	notice was filed by the committee assistant at the following offices at ay, April 23, 2003.
Principal Reading	Clerk Clerk - House Chamber

Sharon Gaudette and Johnna Smith (Committee Assistants)

MEETING AGENDA

EDUCATION/Subcommittee on Universities Wednesday, April 23, 2003 ROOM 424 LOB 1 PM

CALL TO ORDER:

Representative Joanne W. Bowie, Chair

BILLS CONSIDERATION:

HB 975 APPALACHIAN STATE/REGULATE PARKING SPONSOR: Rep. Brubaker

HB 1070 PURCHASE CONTRACTS/INCREASE UNC BENCHMARK

SPONSORS: Rep. Miner, McComas

HB 1071 UNC FLEXIBLE BENEFITS CLARIFICATION SPONSORS: Rep. Miner, McComas

MINUTES

EDUCATION Subcommittee On Universities

April 23, 2003

The House EDUCATION/subcommittee On Universities met on Wednesday, April 23, 2003, in Room 424 of the Legislative Office Building at 1:00 PM. The following members were present: Co-Chairs, Joanne Bowie & Mary McAllister; Vice-Chair, Ray Rapp; Representatives Moore, Ross, and Stiller. Drupti Chauhan and Sara Kamprath, Staff. A Visitor Registration list is attached and made part of these minutes.

Co-Chair, Joanne Bowie called the meeting to order to consider the following bills:

HB 1070, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSBIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS. The Chair recognized Representative McComas, sponsor of the bill, to explain the bill to committee members.

Discussion by committee members and University System folks took place.

Upon a motion made by Representative McAllister, the Committee voted for a favorable report and re-referred the bill to the House Floor.

Representative Haire was recognized to explain the new amendment worked out with the University System for **HB 1016**, AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS. On line 24 starting with provided delete "that not all residence halls within a constituent institution may be designated nonsmoking." New Committee substitute starting on line 24 with provided "that each constituent institution shall make a reasonable effort to provide smoking rooms in residence halls in proportion to student demand for those rooms." Representative Haire moved to adopt the proposed amendment. Motion was passed and committee voted for a favorable report to the proposed committee substitute and unfavorable to the original bill to be reported directly to the House floor.

Representative Brubaker was recognized to explain **HB 975**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING TERM AND CONVENIENCE CONTRACTS.

Upon a motion by Representative Fox, the Committee voted for a favorable report and re-referred the bill directly to the House Floor.

Representative Miner, bill sponsor, explained **HB 1071**, A BILL TO BE ENTITLED AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION

PLANS OF THE UNIVERSITY OF NORTH CAROLINA. Sam Byrd, Fiscal Research Division, was on hand to explain the actuarial note.

Upon motion by Representative Bowie, the Committee voted to give HB 1071 a favorable report and re-refer to Appropriations.

There being no further business, the Chair adjourned the meeting at 1:59 PM.

Respectfully submitted,

Representative Joanne W. Bowie

Presiding Co-Chair

Sharon A Gaudette Committee Assistant

VISITOR REGISTRATION SHEET

EGUCATION - SUD GEORGE	
Name of Committee	Date
VISITORS: PLEASE SIGN BELOW AND	ID RETURN TO COMMITTEE CLERK
NAME.	FIRM OR AGENCY AND ADDRESS
George Millswar	DOA
2000	DOA- Pal-
Bos Wood	NC STATE UNIVERSITY
Varia D. Smith	UNC
Finis Murphors	NLSU
Mark Flerm	UNC
CERCE I LOSSE	NC54
Verin Hillerald	UNC CHapel Hill
Ahmy Dobson	Ne State Wate L
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2003 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 Representatives McAllister & Bowie (Chair) for the EDUCATION/ Subcommittee on Universities. Committee Substitute for H.B. 975 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING TERM AND CONVENIENCE CONTRACTS. 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: Representative Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#_ \rightarrow , \boxtimes which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #--). (and recommendation that the committee substitute bill (# -) be referred to the Committee on 03/26/03

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 975

Short Title: Exempt UNC/Term & Convenience Contract Reqs. (Public)

Sponsors: Representative Brubaker.

Referred to: Education Subcommittee on Universities.

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING TERM AND CONVENIENCE CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-13 reads as rewritten:

"§ 116-13. Powers of Board regarding property property and services subject to general law.

- (a) The power and authority granted to the Board of Governors with regard to the acquisition, operation, maintenance and disposition of real and personal property and services shall be subject to, and exercised in accordance with, the provisions of Chapters 143 and 146 of the General Statutes. Statutes and related sections of the North Carolina Administrative Code, except when either:
 - The funds used to procure personal property or services are not moneys appropriated from the General Fund or received as tuition or, in the case of multiple fund sources, moneys appropriated from the General Fund or received as tuition do not exceed thirty percent (30%) of the total funds; or
 - (2) The funds used to procure personal property or services are contract and grant funds or, in the case of multiple fund sources, the contract and grant funds exceed fifty percent (50%) of the total funds.
- (b) When procurement of personal property or services would otherwise be controlled by State term and convenience contracts, the Board of Governors may, but is not required to, procure personal property or services according to the terms and conditions of the State term and convenience contracts, and may negotiate its own term and convenience contracts where the terms and conditions for the same property and services are more favorable than the State term and convenience contracts."

SECTION 2. This act becomes effective July 1, 2003.

5 6



HOUSE BILL 975: Exempt UNC/Term & Convenience Contract Requirements

Committee:

House Education Subcommittee

Introduced by: Representative Brubaker

on Universities

Summary by: Drupti Chauhan

April 21, 2003 Date: 1st Edition Version:

Committee Counsel

SUMMARY: This bill would exempt the University of North Carolina from some of the purchasing requirements that are currently in place. The Board of Governors would be able to buy personal property and services outside of the State term and convenience contracts when certain conditions outlined in the bill are met.

CURRENT LAW: G.S. 116-13 provides that Board of Governors must acquire, operate, maintain, and dispose of real and personal property pursuant to Chapters 143 and 146 of the General Statutes. Chapter 143 covers the State purchasing and contract statutes and sets out the Department of Administration procedures for purchasing and contracts that the Board of Governors must follow. The contracts must be made by or with the approval of the Department of Administration. If a needed item is covered by a state term contract, it must be purchased from the term contract supplier or "certified source" under the terms and conditions specified. Chapter 146 relates to the acquisition and disposition of real property.

BILL ANALYSIS: This bill would allow the Board of Governors to be exempt from the State purchasing and contract regulations in the certain situations set forth:

- 1. The Board of Governors would be exempted from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not funds that were appropriated from the General Fund or received as tuition. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from other sources) then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds does not exceed 30% of the total funds needed to purchase the property or services.
- 2. The Board of Governors would be exempt from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not from the General Fund or tuition but instead are grant or contract funds. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from grants or contracts), then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds are less than 50% of the total funds needed to purchase the property or services.

Subsection (b) would allow the Board of Governors to be exempt from the State purchasing and contract regulations in situations where the purchase would normally be covered by the State purchasing and contract regulations if the terms and conditions it negotiates for the same property and services are more favorable than the State contracts.

EFFECTIVE DATE:

This act would become effective July 1, 2003.

2003 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(s) **Bowie and McAllister, Chairs** for the Permanent Subcommittee on Universities of the Standing Committee on Education. Committee Substitute for H.B. 1016 A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS. 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 rereferred 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#- changes the title, unfavorable as to (the original bill) (Committee Substitute Bill : (and recommendation that the committee substitute bill (# referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

H

HOUSE BILL 1016 PROPOSED COMMITTEE SUBSTITUTE H1016-PCS60304-RJ-16

 \mathbf{D}

	Short Title: UN	NC/Add Nonsmoking Areas.	(Public)
	Sponsors:		
	Referred to:		
		April 10, 2003	
1		A BILL TO BE ENTITLED	
2	AN ACT TO A	DD PARTICULAR UNIVERSITY FACILITIES A	AS NONSMOKING
3 .	AREAS.		
4	The General Ass	sembly of North Carolina enacts:	
5	SECT	FION 1. G.S. 143-597(a) reads as rewritten:	•
6	"(a) All o	f the following areas may be designated as nonsi	moking in buildings
7		or occupied by State government:	
8	(1)	Any library open to the public.	
9	(2)	Any museum open to the public.	
10	(3)	Any area established as a nonsmoking area, so lo	ng as at least twenty
11		percent (20%) of the interior space of equal qu	uality to that of the
12		nonsmoking area shall be designated as a sn	noking area, unless
13		physically impracticable. If physically impraction	cable, the person in
14		charge of the facility shall provide an adequate	smoking area within
15		the facility as near as feasible to twenty percent	(20%) of the interior
16		space.	-ah as an auditarium
17	(4)	Any indoor space in a State-controlled building su	haraefi avaent that a
18		arena, or coliseum, or an appurtenant building the	a lobby grees
19	(5)	designated area for smoking shall be established in	od in health care
20	(5)	Any educational buildings primarily involved	eu III licalui carc
21	(6)	instruction.	facilities wellness
22	<u>(6)</u>	University of North Carolina health services centers, physical education facilities, student	recreational centers
23		laboratories, or residence halls, provided th	at each constituent
24		institution shall make a reasonable effort to provi	
25		residence halls in proportion to student demand for	
26	CEC'	TION 2. This act is effective when it becomes law.	T WILLIAM)
27	SEC	11017 2. This act is effective when it occomes law.	

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1016

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(Public) Short Title: UNC/Add Nonsmoking Areas. Representatives Haire; Carney, Earle, England, Insko, Pate, Ross, Sauls, Sponsors: Tolson, and Weiss. Referred to: Education Subcommittee on Universities. April 10, 2003 A BILL TO BE ENTITLED AN ACT TO ADD PARTICULAR UNIVERSITY FACILITIES AS NONSMOKING AREAS. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 143-597(a) reads as rewritten: All of the following areas may be designated as nonsmoking in buildings owned, leased, or occupied by State government: Any library open to the public. (1) Any museum open to the public. (2) Any area established as a nonsmoking area, so long as at least twenty (3) percent (20%) of the interior space of equal quality to that of the nonsmoking area shall be designated as a smoking area, unless physically impracticable. If physically impracticable, the person in charge of the facility shall provide an adequate smoking area within the facility as near as feasible to twenty percent (20%) of the interior space. Any indoor space in a State-controlled building such as an auditorium, (4) arena, or coliseum, or an appurtenant building thereof; except that a designated area for smoking shall be established in lobby areas. Any educational buildings primarily involved in health care (5) instruction. University of North Carolina health services facilities, wellness (6) centers, physical education facilities, student recreational centers, laboratories, or residence halls, provided that not all residence halls within a constituent institution may be designated nonsmoking."

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

2003 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(s) Bowie and McAllister, Chairs for the Permanent Subcommittee on **Universities** of the Standing Committee on **Education**. Committee Substitute for H.B. 1070 A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS. 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 rereferred 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (# changes the title, unfavorable as to (the original bill) (Committee Substitute Bill). (and recommendation that the committee substitute bill (# referred to the Committee on

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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HOUSE BILL 1070

Second Edition Engrossed 4/28/03

Senate Education/Higher Education Committee Substitute Adopted 6/5/03

Short Title:	(Public)	
Sponsors:		,
Referred to:		
	April 10, 2003	

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL **CERTAIN** CONSTITUENT **INSTITUTION** FOR RESPONSIBILITY PURCHASING CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-31.10 reads as rewritten:

"§ 116-31.10. Powers of Board regarding certain purchasing contracts.

- Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than two hundred fifty thousand dollars (\$250,000). five hundred thousand dollars (\$500,000). The Board shall set the benchmark for each institution from time to time. In setting an institution's benchmark in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark.
- Each institution with an expenditure benchmark greater than two hundred (b) fifty thousand dollars (\$250,000) shall comply with this subsection for any purchase greater than two hundred fifty thousand dollars (\$250,000) but not greater than five hundred thousand dollars (\$500,000). This institution shall submit to the Division of Purchase and Contract for that Division's approval or other action deemed necessary by the Division a copy of all offers received and the institution's recommendation of award or other action. Notice of the Division's decision shall be sent to that institution. The institution shall then proceed with the award of contract or other action recommended by the Division."

SECTION 2. This act becomes effective July 1, 2003.

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1070

Short Title: Purchase Contracts/Increase UNC Benchmark.

(Public)

Sponsors: Representatives Miner and McComas (Primary

Sponsors).

Referred to: Education Subcommittee on Universities.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE EXPENDITURE BENCHMARK FOR A SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTION FOR CERTAIN PURCHASING CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-31.10 reads as rewritten:

"§ 116-31.10. Powers of Board regarding certain purchasing contracts.

Notwithstanding G.S. 143-53.1 or G.S. 143-53(a)(2), the expenditure benchmark for a special responsibility constituent institution with regard to competitive bid procedures and the bid value benchmark shall be an amount not greater than

two hundred fifty thousand dollars

(\$250,000) one million dollars (\$1,000,000). The Board shall set the benchmark for each institution from time to time. In setting an institution's benchmark in accordance with this section, the Board shall consider the institution's overall capabilities including staff resources, purchasing compliance reviews, and audit reports. The Board shall also consult with the Director of the Division of Purchase and Contract and the Director of the Budget prior to setting the benchmark."

 $\,$ SECTION 2. This act becomes effective July 1, 2003.

2003 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 Representatives Bowie & McAllister (Chairs) for the EDUCATION Subcommittee on Universities .
	Committee Substitute for H.B. 1071 A BILL TO BE ENTITLED AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.
RE	PORTED TO THE STANDING COMMITTEE ON
RE	COMMENDED 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, \square which changes the title, unfavorable as to original bill.
	With a favorable recommendation as to proposed House committee substitute bill, \(\subseteq \text{ which changes} \) the title, unfavorable as to Senate committee substitute bill.
	Without prejudice.
	Other recommended action:
	TH APPROVAL OF STANDING COMMITTEE CHAIR(S) FOR REPORT TO BE MADE RECTLY TO THE FLOOR OF THE HOUSE: Representative Bonner, Hilton, Warner & Wood for the Standing Committee on EDUCATION.
	s/
	With a favorable report and re-referred to Appropriations. With a favorable report, as amended. With a favorable report as to the committee substitute bill (#), which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #). (and recommendation that the committee substitute bill (#) be referred to the Committee on .) 03/26/03

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1071*

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Short Title:	UNC Flexible Benefits Clarification.	(Public)
Sponsors:	Representatives Miner and McComas (Primary Sponsors).	
Referred to:	Education Subcommittee on Universities.	

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-17.2 reads as rewritten:

"§ 116-17.2. Flexible Compensation Plan.

Notwithstanding any other provisions of law relating to the salaries of employees of The University of North Carolina, the Board of Governors of The University of North Carolina is authorized to provide a plan or plans of flexible compensation to eligible employees of The University of North Carolina and its constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred empensation, except that these plans may include health care benefits or health insurance for the dependents of employees. In providing a plan of flexible compensation, the Board of Governors may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely publicly advertised competitive procurement process."

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

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HOUSE BILL 1071: UNC Flexible Benefits Clarification

BILL ANALYSIS

Committee: House Education Subcommittee

on Universities

Date: April 23, 2003

Version: 1st Edition

Introduced by: Reps. Miner and McComas

Summary by: Drupti Chauhan

Committee Counsel

SUMMARY: This bill authorizes the UNC Board of Governors to provide flexible compensation plans for the employees of the University of North Carolina and its constituent institutions so that they may buy health care benefits or health insurance for their dependents through plans other than the State Health Plan. An actuarial note is being prepared for the bill to examine the impact it would have on the State Health Plan.

CURRENT LAW: The UNC Board of Governors currently has the authority to provide for a flexible compensation plan for its employees. This includes plans that create flex accounts for healthcare expenses so that those expenses can be paid from pre-tax dollars for employees that choose to participate. However, these plans cannot include any benefits that are provided to the employees under the State Retirement System, the State Health Plan, and the Disability Income Plan. Therefore, the Board of Governors cannot offer employees the option to purchase health care benefits or insurance on a pre-tax basis for their dependents from any other plan other than the State Health Plan. Currently, employees of the University of North Carolina and its constituent institutions can purchase health care benefits or insurance for their dependents from other plans on an after-tax basis.

BILL ANALYSIS: This bill would allow UNC to offer flexible benefit plans to their employees through which the employees would be able to purchase, with pre-tax dollars, health care benefits or health insurance for their dependents from sources other than the State Health Plan. One issue that is raised by the bill is that it would provide employees of UNC greater flexibility than those that are currently offered to other State employees who would not get the option of being able to buy health care benefits for their dependents through sources other than the State Health Plan with pre-tax dollars. Furthermore, there could be an impact on the State Health Plan if employees who have dependents with less expensive health care costs can obtain cheaper coverage outside of the State Health Plan by leaving those employees with higher coverage costs in the State Health Plan. An actuarial note is being prepared for the bill.

EFFECTIVE DATE: This act would become effective when it becomes law.



North Carolina General Assembly Legislative Services Office

George R. Hall, Legislative Services Officer (919) 733-7044

Elaine W. Robinson, Director Administrative Division Room 5, Legislative Building 16 W. Jones Street Raleigh, NC 27603-5925 (919) 733-7500 Gerry F. Cohen, Director Bill Drafting Division Suite 401, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-6660 Thomas L. Covington, Director Fiscal Research Division Suite 619, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-4910 Tony C. Goldman, Director Information Systems Division Suite 400, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-6834 Terrence D. Sullivan, Director Research Division Suite 545, LOB 300 N. Salisbury St. Raleigh, NC 27603-5925 (919) 733-2578

MEMORANDUM

TO:

Representatives David Miner & Danny McComas

FROM:

Sam Byrd, Fiscal Research Division

DATE:

April 28, 2003

SUBJECT: Actuarial Note (House Bill 1071)

Re: Flexible Benefit Plan Alternative Health Benefits for Spouses and Eligible Dependent Children of UNC Employees Enrolled in the Teachers' & State Employees' Comprehensive Major Medical Plan.

In accordance with North Carolina General Statute 120-114 and applicable Rules of the North Carolina Senate and House of Representatives, attached is a copy of an original actuarial note on the above subject as prepared by the General Assembly's Consulting Actuary. A copy of an original actuarial note on the same subject from the Plan Executive Administrator's Consulting Actuary is also attached for your review.

cc: Reps. Joni Bowie & Mary McAllister, Education Sub-Committee on Universities Principal Clerk, House

Attachment(s):

- (1) House Bill 1071.
- (2) Actuarial Note, Hartman & Associates, House Bill 1071, April 25, 2003.
- (3) Actuarial Note, Aon Consulting, House Bill 1071, April 25, 2003.

GENERAL ASSEMBLY OF NORTH CAROLINA **SESSION 2003**

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HOUSE BILL 1071*

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Short Title: UNC Flexible Benefits Clarification. (Public)

Representatives Miner and McComas (Primary Sponsors). Sponsors:

Referred to: Education Subcommittee on Universities.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-17.2 reads as rewritten:

"§ 116-17.2. Flexible Compensation Plan.

Notwithstanding any other provisions of law relating to the salaries of employees of The University of North Carolina, the Board of Governors of The University of North Carolina is authorized to provide a plan or plans of flexible compensation to eligible employees of The University of North Carolina and its constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation, except that these plans may include health care benefits or health insurance for the dependents of employees. In providing a plan of flexible compensation, the Board of Governors may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely publicly advertised competitive procurement process."

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

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HARTMAN & ASSOCIATES, LLC

ACTUARIAL CONSULTING

MARK V. HARTMAN, FSA, MAAA, MCA, EA

Phone: (336) 731-4038 Fax: (336) 731-2583 668 Link Road Lexington, NC 27295

April 25, 2003

Mr. Sam Byrd Fiscal Research Division North Carolina General Assembly 300 N. Salisbury Street Raleigh, NC 27603-5925

Re: House Bill 1071: An Act to Clarify Employee Flexible Compensation Plans of the University of North Carolina

Dear Mr. Byrd:

This bill amends G.S. 116-17.2 to provide that flexible compensation plans for employees of the University of North Carolina and its constituent institutions may include health care benefits for the dependents of employees. This act is effective when it becomes law.

Currently, these optional plans may not include health care benefits for employees or their dependents, as coverage is available under the Teachers' and State Employees' Comprehensive Major Medical Plan. Under this bill, health care benefits could be offered for dependents under the flexible compensation plans, and the employee could choose to cover dependents under either the State Plan or the alternate plan. This would lead to self-selection based on benefit provisions, rating factors, and individual health status. Since the employee would choose the package most favorable to him, anti-selection against the State Plan would occur, and the Plan would likely lose lower-risk individuals. This will increase costs to the Plan, and the cost could be substantial.

We have reviewed claims data for UNC employees and covered dependents for fiscal year 2000-2001. This information included 22,797 dependents of active employees currently covered by the Plan.

If you have any questions, let me know.

Sincerely,

Mark Hartman

Mark V. Hartman, FSA, MAAA, MCA, EA Consulting Actuary

MVH/jj

NORTH CAROLINA TEACHERS' & STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN

House Bill 1071

Employee Flexible Benefit Plan Alternative Health Benefits for Spouses and Eligible Dependent Children of UNC Employees

Prepared by:

Aon Consulting One Piedmont Center 3565 Piedmont Road, N.E. Atlanta, Georgia 30305

April 2003

ACTUARIAL STATEMENT

The State of North Carolina Teachers' and State Employees' Comprehensive Major Medical Plan (Plan) has requested that Aon Consulting prepare an Actuarial Note in response to House Bill 180 entitled "An Act To Clarify Employee Flexible Compensation Plans of the University of North Carolina".

The Actuarial Note was prepared according to generally accepted actuarial principles and practices, in compliance with General Statute 120-114. As required by statute, the Note includes an explanatory statement of the proposed change(s) and, to the extent possible, an estimate of the financial and actuarial effect of the proposed change(s) on the Plan. The Actuarial Note makes no comment or opinion with regard to the merits of the measure for which the Note is prepared; however, any identified technical or mechanical defects have been noted.

We have reviewed the input and results of our analysis for reasonableness, and relied upon the data and information provided by the Plan and their Claims Processing Contractor.

Kenneth C. Vieira, F.S.A., M.A.A.A.

Senior Vice President

April 25, 2003

Date

EMPLOYEE FLEXIBLE BENEFIT PLAN ALTERNATIVE HEALTH BENEFITS FOR SPOUSES AND ELIGIBLE DEPENDENT CHILDREN OF UNC EMPLOYEES

PLAN CHANGES

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-17.2 reads as rewritten:

"§ 116-17.2. Flexible Compensation Plan.

Notwithstanding any other provisions of law relating to the salaries of employees of The University of North Carolina, the Board of Governors of The University of North Carolina is authorized to provide a plan or plans of flexible compensation to eligible employees of The University of North Carolina and its constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation. compensation, except that these plans may include health care benefits or health insurance for the dependents of employees. In providing a plan of flexible compensation, the Board of Governors may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely publicly advertised competitive procurement process."

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

PROJECTED COSTS

21.50(22)(35.1574A)23(6574	The state of	% Increase	9 34 C	Based on "Mic	dpoint" Increase (in millions) 🔅
name a provide a super.		100		- 2003-2004	2004-2005	Total
Plan Design	Low	Mid	High	Fiscal Year	Fiscal Year	Biennium
Change		2000年2月		Cost	Cost	Cost
Employee Flexible Benefit	0.03%	0.05%	0:07%	\$0.6	\$0.9	\$1.5
Plan Alternative Health						
Benefits for Spouses and					•	
Eligible Dependent Children				·	,	
of UNC Employees	<u> </u>			li		

Based on projected claims of \$1,497,858,735 and \$1,677,980,407 for the 2004 and 2005 fiscal years respectively.

PRICING APPROACH AND COMMENTS

The following information was compiled and utilized in determining the projected costs or savings of each benefit component addressed in this actuarial note:

- The legislation allows dependents of UNC employees and it constituent institutions to get health insurance through the Section 125 flexible benefits plan. Voluntary health insurance benefits offered in this manner will likely require medically underwritten and sold on an individual platform. These resulting dependents who leave the plan and move to the 125 plan will typically have a better risk profile, leaving the plan with adverse selection and higher average costs.
- Monthly reports are received from the Claims Processing Contractors that indicates 25,831 dependents are covered for UNC employees under the State Health Plan. The plan currently collects approximately \$130 per dependent per month. The total annual premium for UNC dependents would be approximately \$40 million. These premium dollars are assumed to cover the cost for all dependents in the Plan. When the employee chooses to cover dependents they will pay an additional dependent premium rate. This additional rate should actuarially cover the cost of these additional Plan members and have no plan cost.
- The only impact on the plan would be the lost gains from these employees who leave. Assuming that the plan would be offered to 50% of eligible employees and they get 10% enrollment, we would expect 1,291 members to enroll. We would also expect the medically underwritten group to be 30% to 50% healthier and produce lower claims. Using the above enrollment assumptions with the adverse selection assumptions, a mid-point scenario would be that the legislation would cost the plan \$800,000 per year (1,291 members x \$130 x 12 x 40%).
- Aon has only calculated the additional cost under the current contribution scenarios. The plan could adjust the dependent rates to have no cost for this legislation.
- Assumed effective date of July 1, 2003 with a 2-month claims payment lag.

MINUTES

EDUCATION Subcommittee On Universities Chamber Desk Meeting 6 PM

April 23, 2003

The House EDUCATION/subcommittee On Universities met on Wednesday, April 23, 2003, in the House Chamber at the desk of Representative Joanne Bowie in the Legislative Building at 6:00 PM. The following members were present: Co-Chairs, Joanne Bowie and Mary McAllister; Vice-Chair, George Holmes; Representatives Barhart, Daughtridge, Dickson, Fox, Moore, Ross. Sara Kamprath, Staff.

Representative Bowie, sponsor of the bill, HB 825, AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTIOJN THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL AND HEPATITIS B IMMUNIZATION INFORMATION TO NEWLY ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDENTAL CAMPUS explained the technical change.

Upon motion of Representative Ross, the committee members voted to roll the bill into a committee substitute, unfavorable to the original bill and favorable to the committee substitute and be sent directly to the floor of the House.

The Chair adjourned the meeting at 6:10 PM.

Respectfully submitted,

Representative Joanne Bowie

President Co-Chair

Sharon A. Gaudette

Committee Assistant

2003 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(s) Bowie and McAllister, Chairs for the Permanent Subcommittee on <u>Universities</u> of the Standing Committee on <u>Education</u>. Committee Substitute for A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY H.B. 825 PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL AND HEPATITIS B IMMUNIZATION INFORMATION TO NEWLY ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL CAMPUS 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, Hilton, Warner & Wood for the Standing Committee on EDUCATION. With a favorable report. With a favorable report, as amended. With a favorable report as to the committee substitute bill (# the title, unfavorable as to (the original bill) (Committee Substitute Bill #

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 825 PROPOSED COMMITTEE SUBSTITUTE H825-PCS70310-RJ-15

Short Title: Meningitis & Hepatitis B Immunization Info.	Public)
Sponsors:	
Referred to:	
April 1, 2003	4
ENROLLED STUDENTS IF THE INSTITUTION HAS A RESIDER CAMPUS.	CCAL EWLY
The General Assembly of North Carolina enacts: SECTION 1. Chapter 116 of the General Statutes is amended by ac	dding a
new Article to read: "Article 32.	
"Health Information.	
"§ 116-260. Information on meningococcal and hepatitis B immunization.	
(a) Each public or private educational institution that offers a postsec	
degree as defined in G.S. 116-15 and that has a residential campus shall prove vaccination information on meningococcal and hepatitis B diseases to each stude	nt. The
vaccination information shall be contained on student health forms provided t	
student by the educational institution and shall include space for the student to i	ndicate
whether or not the student has received the vaccination against the disease	s. The
vaccination information about meningococcal and hepatitis B diseases shall include the province of the provinc	
recommendations issued by the national Centers for Disease Control and Pre-	venuon
regarding the diseases. (b) The vaccination information obtained under this section that is	in the
possession of the educational institution is confidential and shall not be a public	
under G.S. 132-1.	
(c) This section shall not be construed to require the educational institu	ution to
provide the meningococcal and hepatitis B vaccinations to students.	

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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

1	(d) This section shall not apply if the national Centers for Disease Control and
2	Prevention no longer recommends the vaccinations in this section for the general
3	population.
4	(e) This section does not create a private right of action."

SECTION 2. This act is effective when it becomes law and applies to the 2003-2004 academic year and each subsequent year.

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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(3)

HOUSE BILL 825

Short Title: Meningitis & Hepatitis B Immunization. (Public) Representatives Grady, Bowie, Glazier (Primary Sponsors); Dockham, Sponsors: Hilton, Justice, Michaux, and Walend. Referred to: Education Subcommittee on Universities. April 1, 2003 A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY PRIVATE OR PUBLIC INSTITUTION THAT OFFERS A POSTSECONDARY DEGREE TO PROVIDE MENINGOCOCCAL · AND HEPATITIS B IMMUNIZATION INFORMATION TO NEWLY STUDENTS IF THE INSTITUTION HAS A RESIDENTIAL ENROLLED CAMPUS. The General Assembly of North Carolina enacts: SECTION 1. Chapter 116 of the General Statutes is amended by adding a new article to read: "Article 32. "Health Information. "§ 116-260. Information on meningoccocal and hepatitis B immunization. Each public or private educational institution that offers a postsecondary (a) degree as defined in G.S. 116-15 and that has a residential campus shall provide information on meningococcal and hepatitis B diseases to each student who enrolls for the first time at that campus. The information about the meningococcal and hepatitis B diseases shall include all of the following: Symptoms, risks, especially as the risks relate to circumstances of (1) group living arrangements, and treatment of the diseases. A recommendation that each newly enrolled student receive the <u>(2)</u> vaccination to prevent the student from contracting the disease and where the vaccination can be received.

A response form with space in which to indicate that the newly

enrolled student has received the information about meningococcal

and hepatitis B diseases and the availability of the vaccines to prevent the student from contracting the diseases, whether or not he or she has

chosen to receive the vaccination and his or her signature. In the case

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1	of a student who is a minor, the student's parent or guardian shall sign
2	the response form on behalf of the minor student.
3	(b) The student or the student's parent or guardian shall return the signed form to
4	the appropriate office at the educational institution. The information obtained under this
5	section that is in the possession of the educational institution is confidential and shall
6	not be a public record under G.S. 132-1.
7	(c) This section shall not be construed to require the educational institution to
8	provide the meningoccocal and hepatitis B vaccinations to students.
9	(d) Each educational institution required to provide information under this
10	section shall consult with the Department of Health and Human Services regarding the
1	preparation of the information materials for the newly enrolled students.
12	(e) This section does not create a private right of action."
13	SECTION 2. This act is effective when it becomes law and applies to the
14	2003-2004 academic year and each subsequent year.

MEETING MINUTES

EDUCATION Subcommittee on Universities

April 28, 2003

The House EDUCATION/subcommittee on Universities met on Monday April 28, 2003 at 5:00 p.m. in Room 424 of the Legislative Office Building. The following members were present: Co-Chairs Mary McAllister and Joanne Bowie; Vice Chair, Ray Rapp; Representatives Daughtridge, Foxx, Haire, Miner, Stiller and Staff Members Drupti Chauhan and Sara Kamprath.

Representative McAllister called the meeting to order to hear the following bills:

HB 1195, Campus Initiated Tuition & Fee Increase, AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY MUST BE INFORMED OF ANY REQUEST FOR A CAMPUS INITIATED INCREASE IN TUITION OR FEES THAT IS APPROVED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT THE CAMPUS INITIATED FEES SHALL NOT BECOME EFFECTIVE UNLESS SPECIFICALLY AUTHORIZED BY THE GENERAL ASSEMBLY.

Representatives Gorman and Barnhart were the primary sponsors of the bill. The committee voted favorable to amend the bill and roll into committee substitute. See attached North Carolina General Assembly Amendment for HB 1195.

HB 975, Exempt UNC/Term & Convenience Contract Reqs, AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING STATE CONTRACTS.

Representative Brubaker was the sponsor of the bill.

After committee discussion, the bill received a favorable vote for a proposed committee substitute and was referred to the House floor.

HB 1071, UNC Flexible Benefits Clarification, AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.

Representatives Miner and McComas were the co-sponsors of the bill. Representative Bowie made the motion and the committee voted a favorable report and re-referred HB 1071 to Appropriations. Refer to the attached North Carolina General Assembly Legislative Actuarial Note and meeting minutes dated Wednesday April 23, 2003.

Respectfully submitted by,

Representative McAllister

Presiding Co-Chair

Johnna C. Smith

Committee Assistant

Johnna Smith (Rep. McAllister)

From:

Johnna Smith (Rep. McAllister)

Sent:

Friday, April 25, 2003 8:15 AM

To:

@HouseCommitteeNotice; @House/Sub on Universities; Drupti Chauhan (Research); Sara Kamprath (Research)

Cc:

Rachel Faison (Rep. Gorman); Cindy Coley (Rep. Brubaker); Judy Lowe (Rep. McComas); Sharon Gaudette (Rep. Brubaker); Judy Lowe (Rep. Brubaker); Judy Lowe (Rep. Brubaker); Judy Lowe (Rep. McComas); Sharon Gaudette (Rep. Brubaker); Judy Lowe (Rep. Brubaker); Judy (R

Bowie); Johnna Smith (Rep. McAllister); Susan Phillips (Rep. Miner)

Subject: EDUCATION SUBCOMMTTEE MEETING NOTICE

NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE 2003-2004 SESSION

You are hereby notified that the EDUCATION/Subcommittee on Universities will meet as follows:

DAY & DATE:

Monday, April 28, 2003

TIME:

5:00 P.M.

LOCATION:

424 LOB



following bills will be considered (Bill # & Short Title & Bill Sponsor):

HB1195 Campus Initiated Tuition & Fee Increase

Sponsor: Representative Gorman

HB975

Exempt UNC/Term and Convenience Contract

Sponsor: Representative Brubaker

HB1071

UNC Flexible Benefits Clarification Sponsors: Reps. Miner, McComas

Respectfully,

Representatives McAllister and Bowie Co-chairs

I hereby certify this notice was filed by the committee assistant at the following offices at 9:00 a.m. on Friday April 25, 2003.



Principal Clerk
Reading Clerk - House Chamber

Johnna Smith and Sharon Gaudette (Committee Assistants)

MEETING AGENDA

EDUCATION/Subcommittee on Universities

Monday April 28, 2003 Room 424 LOB 5:00 P.M.

CALL TO ORDER:

Representative Mary McAllister, CHAIR

BILL CONSIDERATION:

- HB1195 Campus Initiated Tuition & Fee Increase Primary Sponsor: Representative Gorman
- HB975 Exempt UNC/Term & Convenience Contract Reqs. Primary Sponsor: Representative Brubaker
- HB1071 UNC Flexible Benefits Clarification Primary Sponsors: Reps. Miner, McComas

VISITOR REGISTRATION SHEET

Author Aniversty — 26.03

Name of Committee

VISITORS: PLEASE SIGN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

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GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003

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HOUSE BILL 1195

Short Title: Campus Initiated Tuition & Fee Increase. (Public) Sponsors: Representatives Gorman; and Barnhart. Referred to: Education. April 10, 2003 A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE GENERAL ASSEMBLY MUST BE INFORMED OF ANY REQUEST FOR A CAMPUS INITIATED INCREASE IN TUITION OR FEES THAT IS APPROVED BY THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND TO PROVIDE THAT THE CAMPUS INITIATED INCREASE IN TUITION OR FEES SHALL NOT BECOME EFFECTIVE UNLESS SPECIFICALLY AUTHORIZED BY THE GENERAL ASSEMBLY. The General Assembly of North Carolina enacts: SECTION 1. G.S. 116-40.22(c) reads as rewritten: Tuition and Fees. - Notwithstanding any provision in Chapter 116 of the General Statutes to the contrary, in addition to any tuition and fees set by the Board of Governors pursuant to G.S. 116-11(7), the Board of Trustees of the institution may recommend to the Board of Governors tuition and fees for program-specific and institution-specific needs at that institution without regard to whether an emergency situation exists and not inconsistent with the actions of the General Assembly. If the Board of Governors approves the request, then the Board of Governors shall include the request in the recommended budget presented to the Governor, the Advisory Budget Commission, and the General Assembly pursuant to G.S. 116-11. The If the request is approved by the General Assembly, the institution shall retain any tuition and fees set pursuant to this subsection for use by the institution." **SECTION 2.** G.S. 116-11(7) reads as rewritten: "(7) The Board shall set tuition and required fees at the institutions, not inconsistent with actions of the General-Assembly. Assembly: however, no tuition or fee increase requested by a constituent institution under G.S. 116-40.22(c) shall become effective until it is specifically authorized by the General Assembly."

SECTION 3. G.S. 116-11(9) reads as rewritten:

"(9)

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The Board of Governors shall develop, prepare and present to the Governor, the Advisory Budget Commission and the General Assembly a single, unified recommended budget for all of public senior higher education. The recommendations shall consist of requests in three general categories: (i) funds for the continuing operation of each constituent institution, (ii) funds for salary increases for employees exempt from the State Personnel Act and (iii) funds requested without reference to constituent institutions, itemized as to priority and covering such areas as new programs and activities, expansions of programs and activities, increases in enrollments, increases to accommodate internal shifts and categories of persons served, capital improvements, improvements in levels of operation and increases to remedy deficiencies, as well as other areas. The Board of Governors shall also include in the recommended budget for consideration of the General Assembly any increase in tuition and fees for program-specific and institution-specific needs requested by a constituent institution and approved by the Board of Governors under G.S. 116-40.22. The function of the Advisory Budget Commission under this section applies only if the Director of the Budget consults with the Commission in preparation of the budget.

Funds for the continuing operation of each constituent institution shall be appropriated directly to the institution. Funds for salary increases for employees exempt from the State Personnel Act shall be appropriated to the Board in a lump sum for allocation to the institutions. Funds for the third category in paragraph a of this subdivision shall be appropriated to the Board in a lump sum for allocation to the institutions. The Board shall make allocations among the institutions in accordance with the Board's schedule of priorities and any specifications in the Current Operations Appropriations Act. When both the Board and the Director of the Budget deem it to be in the best interest of the State, funds in the third category may be allocated, in whole or in part, for other items within the list of priorities or for items not included in the list. Provided, nothing herein shall be construed to allow the General Assembly, except as to capital improvements, to refer to particular constituent institutions in any specifications as to priorities in the third category. Prior to taking any action under this paragraph, the Director of the Budget may consult with the Advisory Budget Commission.

The Director of the Budget may, on recommendation of the Board, authorize transfer of appropriated funds from one

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

1	institution to another to provide adjustments for over or under
2	enrollment or may make any other adjustments among
3	institutions that would provide for the orderly and efficient
4 .	operation of the institutions. Prior to taking any action under
5	this paragraph, the Director of the Budget may consult with the
6	Advisory Budget Commission.
7	d. Repealed by Session Laws 1987, c. 795, s. 27."
8	SECTION 4. This act becomes effective July 1, 2003.

House Bill 1195-First Edition



HOUSE BILL 1195: Campus Initiated Tuition & Fee Increase.

BILL ANALYSIS

Committee: House Education

Date: Version: April 17, 2003 First Edition

Introduced by: Rep. Gorman

Summary by:

Sara Kamprath Committee Analyst

BILL ANALYSIS: House Bill 1195 provides that the UNC Board of Governors shall include any approved campus-initiated requests for tuition and fees for program-specific or institution-specific needs in their recommended budget. This budget shall be presented to the Governor, the Advisory Budget Commission and the General Assembly. No tuition or fee increase requested by a constituent institution shall go into effect until it is authorized by the General Assembly.

The bill becomes effective July 1, 2003.

Current law provides that the board of trustees of a constituent institution may **BACKGROUND:** recommend tuition and fees for program-specific and institution-specific needs to the UNC Board of Governors. If approved by the Board the Governors, the institution retains the tuition and fees for use by The UNC Board of Governors has adopted policies that outline a process that the institutions should follow when they are developing a tuition or fee increase proposal. The UNC Board of Governors tries to act on the campus-initiated tuition or fee requests by February or as soon as possible thereafter so students and parents will know ahead of time about tuition or fee increases for the fall.

H1195-SMRJ-001

NORTH CAROLINA GENERAL ASSEMBLY AMENDMENT

(Please type or use ballpoint pen)

S. B. No		EDITION No.	-
COMMITTEE SUBSTITUTE (to be filled in by Principal Clerk) Rep.) Lucas Sen.) 1 moves to amend the bill on page		H. B. No. 1115	DATE
COMMITTEE SUBSTITUTE Principal Clerk) Rep. Lucan Sen. 1 moves to amend the bill on page, line		S. B. No	Amendment No
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HOUSE BILL 975 PROPOSED COMMITTEE SUBSTITUTE H975-PCS60314-RQ-15

Short Ti	itle: 1	JNC Purchasing Flexibility. (Pul	blic)
Sponsor	s:		
Referred	d to:		
		April 9, 2003	
		A BILL TO BE ENTITLED	
AN ACT	T TO I	PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY AROLINA.	OF
The Gen		ssembly of North Carolina enacts:	
		TION 1. G.S. 116-13 reads as rewritten:	
"§ 116-1	3. Po	wers of Board regarding property property and services subjec	t to
	_	ral law.	
(a)	The	power and authority granted to the Board of Governors with regard to	the
services	on, op	eration, maintenance and disposition of real and personal property	and c
Chanters	311411 143 a	be subject to, and exercised in accordance with, the provisions and 146 of the General Statutes. Statutes and related sections of the No.	OI
Carolina	Admi	nistrative Code, except when a purchase is being made that is	orin not
covered l	by a St	ate term contract and either:	1101
	(1)	The funds used to procure personal property or services are	not
		moneys appropriated from the General Fund or received as tuition	or.
		in the case of multiple fund sources, moneys appropriated from	the
		General Fund or received as tuition do not exceed thirty percent (30)%)
	(2)	of the total funds; or	
	<u>(2)</u>	The funds used to procure personal property or services are contr	act
		and grant funds or, in the case of multiple fund sources, the contrary and grant funds expected fifty persons (50%) and the state of th	<u>act</u>
When	a en	and grant funds exceed fifty percent (50%) of the total funds. ecial responsibility constituent institution makes a purchase under the constituent institution makes are purchase under the constituent institution makes and purchase under the constituent institution makes are purchased under the constituent instituent institution makes are purchased under the constituent in the constituent in the constituent in the c	.1
subdivisio	on (1)	or (2) of this subsection, the requirements of Chapter 143, Article 3 sh	<u>aer</u>
apply, ex	cept th	ne approval or oversight of the Secretary of Administration, the St	ate
Purchasin	g Offi	cer, or the Board of Awards shall not be required, regardless of dol	lar
value.			
<u>(b)</u>	Speci	al responsibility constituent institutions shall have the authority	to

purchase equipment, materials, supplies, and services from sources other than those

SESSION 2003

certified by the	Secretary of Administration on term contracts, subject to the following
conditions:	
<u>(1)</u>	The purchase price, including the cost of delivery, is less than the cost
	under the State term contract;
<u>(2)</u>	The items are the same or substantially similar in quality, service, and
	performance as items available under State term contracts;
<u>(3)</u> ·	The cost of the purchase shall not exceed the benchmark established
•	under G.S. 116-31.10; and
<u>(4)</u>	The special responsibility constituent institution notifies the
	Department of Administration of purchases consistently being made
	under this provision so that State term contracts may be improved."
SECT	TION 2. This act becomes effective July 1, 2003.
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HOUSE BILL 975

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Short Title: Exempt UNC/Term & Convenience Contract Regs. (Public) Sponsors: Representative Brubaker. Referred to: Education Subcommittee on Universities. April 9, 2003 A BILL TO BE ENTITLED AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING TERM AND CONVENIENCE CONTRACTS. The General Assembly of North Carolina enacts: **SECTION 1.** G.S. 116-13 reads as rewritten: "§ 116-13. Powers of Board regarding property property and services subject to general law. The power and authority granted to the Board of Governors with regard to the (a) acquisition, operation, maintenance and disposition of real and personal property and services shall be subject to, and exercised in accordance with, the provisions of Chapters 143 and 146 of the General Statutes. Statutes and related sections of the North Carolina Administrative Code, except when either: The funds used to procure personal property or services are not (1) moneys appropriated from the General Fund or received as tuition or. in the case of multiple fund sources, moneys appropriated from the General Fund or received as tuition do not exceed thirty percent (30%) of the total funds; or The funds used to procure personal property or services are contract (2) and grant funds or, in the case of multiple fund sources, the contract and grant funds exceed fifty percent (50%) of the total funds. When procurement of personal property or services would otherwise be controlled by State term and convenience contracts, the Board of Governors may, but is not required to, procure personal property or services according to the terms and conditions of the State term and convenience contracts, and may negotiate its own term and convenience contracts where the terms and conditions for the same property and

services are more favorable than the State term and convenience contracts."

SECTION 2. This act becomes effective July 1, 2003.

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HOUSE BILL 975: Exempt UNC/Term & Convenience Contract Requirements

Committee: House Education Subcommittee

Introduced by: Representative Brubaker

on Universities

Summary by:

Drupti Chauhan

Date:

April 28, 2003

Committee Counsel

Version:

PCS H975-CSRQ-15 [v.1]

SUMMARY: This bill would exempt the University of North Carolina from some of the purchasing requirements that are currently in place. The Board of Governors would be able to buy personal property and services outside of State term and convenience contracts when certain conditions outlined in the bill are met.

The PCS changes the short and long title of the bill and puts the additional requirement that the purchase being made is not covered by a State term contract before the Board of Governors would be exempted from the purchasing and contract regulations when buying property or services with funds other than General Fund or tuition or multiple sources under subsections (a)(1) and (a)(2) of the bill. The requirements of Chapter 143, Article 3 regarding the procedure in canvassing bids and awarding contracts would still apply the Board of Governors but without the oversight of the Department of Administration. The PCS also changes the language in subsection (b) by adding conditions that must be met in order for the Board of Governors to purchase equipment, materials, supplies, and services from noncertified sources.

CURRENT LAW: G.S. 116-13 provides that Board of Governors must acquire, operate, maintain, and dispose of real and personal property pursuant to Chapters 143 and 146 of the General Statutes. Chapter 143 covers the State purchasing and contract statutes and sets out the Department of Administration procedures for purchasing and contracts that the Board of Governors must follow. The contracts must be made by or with the approval of the Department of Administration. If a needed item is covered by a state term contract, it must be purchased from the term contract supplier or "certified source" under the terms and conditions specified. Chapter 146 relates to the acquisition and disposition of real property.

BILL ANALYSIS: This bill would allow the Board of Governors to be exempt from the State purchasing and contract regulations in the certain situations set forth:

- 1. The Board of Governors would be exempted from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not funds that were appropriated from the General Fund or received as tuition. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from other sources) then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds does not exceed 30% of the total funds needed to purchase the property or services.
- 2. The Board of Governors would be exempt from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not from the General Fund or tuition but instead are grant or contract funds. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from grants or contracts), then the Board would be exempted from the State purchasing and contract

HOUSE BILL 975

Page 2

regulations if the General Fund or tuition part of the funds are less than 50% of the total funds needed to purchase the property or services.

PCS Changes: The PCS requires that purchases made under this subsection not be covered by State term contracts.

Subsection (b) would allow the Board of Governors to be exempt from the State purchasing and contract regulations in situations where the purchase would normally be covered by the State purchasing and contract regulations if the terms and conditions it negotiates for the same property and services are more favorable than the State contracts.

PCS Changes: In order to make these purchases from noncertified sources, 4 conditions would have to be met:

- Purchase price including cost of delivery is less than the cost under the State term contract
- Items are the same or substantially similar as items under the State term contract
- Cost does not exceed the benchmark established in General Statutes
- The special responsibility constituent institution notifies the Department of Administration about purchases that are consistently being made under this provision so that State term contracts can be improved

EFFECTIVE DATE: This act would become effective July 1, 2003.



HOUSE BILL 975: Exempt UNC/Term & Convenience Contract Requirements

Committee: House Education Subcommittee

Introduced by: Summary by:

Introduced by: Representative Brubaker

on Universities

Drupti Chauhan

Date:

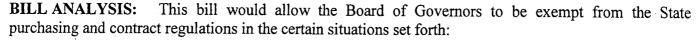
April 21, 2003

Committee Counsel

Version: 1st Edition

SUMMARY: This bill would exempt the University of North Carolina from some of the purchasing requirements that are currently in place. The Board of Governors would be able to buy personal property and services outside of the State term and convenience contracts when certain conditions outlined in the bill are met.

CURRENT LAW: G.S. 116-13 provides that Board of Governors must acquire, operate, maintain, and dispose of real and personal property pursuant to Chapters 143 and 146 of the General Statutes. Chapter 143 covers the State purchasing and contract statutes and sets out the Department of Administration procedures for purchasing and contracts that the Board of Governors must follow. The contracts must be made by or with the approval of the Department of Administration. If a needed item is covered by a state term contract, it must be purchased from the term contract supplier or "certified source" under the terms and conditions specified. Chapter 146 relates to the acquisition and disposition of real property.



- 1. The Board of Governors would be exempted from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not funds that were appropriated from the General Fund or received as tuition. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from other sources) then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds does not exceed 30% of the total funds needed to purchase the property or services.
- 2. The Board of Governors would be exempt from the State purchasing and contract regulations if the funds that are being used to purchase the personal property or services are not from the General Fund or tuition but instead are grant or contract funds. If the funds that are being used for the purchase are from multiple sources (i.e. from the General Fund or tuition as well as from grants or contracts), then the Board would be exempted from the State purchasing and contract regulations if the General Fund or tuition part of the funds are less than 50% of the total funds needed to purchase the property or services.

Subsection (b) would allow the Board of Governors to be exempt from the State purchasing and contract regulations in situations where the purchase would normally be covered by the State purchasing and contract regulations if the terms and conditions it negotiates for the same property and services are more favorable than the State contracts.

EFFECTIVE DATE:

This act would become effective July 1, 2003.

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HOUSE BILL 975

Short Title: Exempt UNC/Term & Convenience Contract Reqs.

(Public)

Sponsors: Representative Brubaker.

Referred to: Education Subcommittee on Universities.

April 9, 2003

A BILL TO BE ENTITLED AN ACT TO EXEMPT THE UNIVERSITY OF NORTH CAROLINA FROM CERTAIN REQUIREMENTS REGARDING TERM AND CONVENIENCE STATE CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-13 reads as rewritten:

"§ 116-13. Powers of Board regarding property property and services subject to general law.

The power and authority granted to the Board of Governors with regard to the acquisition, (a) operation, maintenance and disposition of real and personal property and services shall be subject to, and exercised in accordance with, the provisions of Chapter 143 and 146 of the General Statutes Statutes and related sections of the North Carolina Administrative Code, except when a purchase is being made that is not covered by a State term contract and either:

The funds used to procure personal property or services are not moneys appropriated (1) from the General Fund or received as tuition or, in the case of multiple fund sources, moneys appropriated from the General Fund or received as tuition do not exceed thirty

percent (30%) of the total funds; or

The funds used to procure personal property or services are contract and grant funds or, (2) in the case of multiple fund sources, the contract and grant funds exceed fifty percent (50%) of the total funds.

When a special responsibility constituent institution makes a purchase under (1) or (2) above, the requirements of Chapter 143, Article 3 shall apply, except the approval or oversight of the Secretary of Administration, the State Purchasing Officer or the Board of Awards shall not be required, regardless of dollar value.

- Special responsibility constituent institutions shall have the authority to purchase supplies *(b)* equipment, materials, supplies and services from sources other than those certified by the Secretary of Administration on term contracts, subject to the following conditions:
 - (1) The purchase price, including the cost of delivery, is less than the cost under the State term contract;

(2) The items are the same or substantially similar in quality, service, and performance as items available under State term contracts;

(3) The cost of the purchase shall not exceed the benchmark established under G.S. 116-31.10;

(4) The special responsibility constituent institution notifies the Department of Administration of purchases consistently being made under this provision so that State term contracts may be improved.

SECTION 2.

This act becomes effective July 1, 2003

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HOUSE BILL 1071*

(Public)

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Sponsors: Representatives Miner

Representatives Miner and McComas (Primary Sponsors).

Referred to: Education Subcommittee on Universities.

Short Title: UNC Flexible Benefits Clarification.

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY EMPLOYEE FLEXIBLE COMPENSATION PLANS OF THE UNIVERSITY OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-17.2 reads as rewritten:

"§ 116-17.2. Flexible Compensation Plan.

Notwithstanding any other provisions of law relating to the salaries of employees of The University of North Carolina, the Board of Governors of The University of North Carolina is authorized to provide a plan or plans of flexible compensation to eligible employees of The University of North Carolina and its constituent institutions for benefits available under Section 125 and related sections of the Internal Revenue Code of 1986 as amended. This plan shall not include those benefits provided to employees under Articles 1, 3, and 6 of Chapter 135 of the General Statutes nor any vacation leave, sick leave, or any other leave that may be carried forward from year to year by employees as a form of deferred compensation, except that these plans may include health care benefits or health insurance for the dependents of employees. In providing a plan of flexible compensation, the Board of Governors may authorize constituent institutions to enter into agreements with their employees for reductions in the salaries of employees electing to participate in the plan of flexible compensation provided by this section. With the approval of the Director of the Budget, savings in the employer's share of contributions under the Federal Insurance Contributions Act on account of the reduction in salary may be used to pay some or all of the administrative expenses of the program. Should the Board of Governors decide to contract with a third party to administer the terms and conditions of a plan of flexible compensation as provided by this section, it may select such a contractor only upon a thorough and completely publicly advertised competitive procurement process."

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

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HOUSE BILL 1071: UNC Flexible Benefits Clarification

BILL ANALYSIS

Committee: House Education Subcommittee

on Universities

Date:

April 23, 2003

Version:

1st Edition

Introduced by: Reps. Miner and McComas

Drupti Chauhan Summary by:

Committee Counsel

SUMMARY: This bill authorizes the UNC Board of Governors to provide flexible compensation plans for the employees of the University of North Carolina and its constituent institutions so that they may buy health care benefits or health insurance for their dependents through plans other than the State Health Plan. An actuarial note is being prepared for the bill to examine the impact it would have on the State Health Plan.

The UNC Board of Governors currently has the authority to provide for a flexible **CURRENT LAW:** compensation plan for its employees. This includes plans that create flex accounts for healthcare expenses so that those expenses can be paid from pre-tax dollars for employees that choose to participate. However, these plans cannot include any benefits that are provided to the employees under the State Retirement System, the State Health Plan, and the Disability Income Plan. Therefore, the Board of Governors cannot offer employees the option to purchase health care benefits or insurance on a pre-tax basis for their dependents from any other plan other than the State Health Plan. Currently, employees of the University of North Carolina and its constituent institutions can purchase health care benefits or insurance for their dependents from other plans on an after-tax basis.

This bill would allow UNC to offer flexible benefit plans to their employees **BILL ANALYSIS:** through which the employees would be able to purchase, with pre-tax dollars, health care benefits or health insurance for their dependents from sources other than the State Health Plan. One issue that is raised by the bill is that it would provide employees of UNC greater flexibility than those that are currently offered to other State employees who would not get the option of being able to buy health care benefits for their dependents through sources other than the State Health Plan with pre-tax dollars. Furthermore, there could be an impact on the State Health Plan if employees who have dependents with less expensive health care costs can obtain cheaper coverage outside of the State Health Plan by leaving those employees with higher coverage costs in the State Health Plan. An actuarial note is being prepared for the bill.

EFFECTIVE DATE:

This act would become effective when it becomes law.

NORTH CAROLINA GENERAL ASSEMBLY LEGISLATIVE ACTUARIAL NOTE

BILL NUMBER:

House Bill 1071

SHORT TITLE:

UNC Flexible Benefits Clarification

SPONSOR(S):

Reps. Miner & McComas

SYSTEM OR PROGRAM AFFECTED: Teachers' and State Employees' Comprehensive Major Medical Plan.

FUNDS AFFECTED: State General Fund, State Highway Fund, other State employer receipts, premium payments for dependents by active and retired teachers and State employees, premium payments for coverages selected by eligible former teachers and State employees and premium payments for coverages selected by firefighters, rescue squad workers, and members of the National Guard.

BILL SUMMARY: The bill allows the University Board of Governors to establish health care benefits or health insurance for the dependents of employees participating in the University's Flexible Compensation Plan. These additional benefits would be an alternative to the health benefits offered to spouses and eligible dependent children of employees enrolled in the Teachers' and State Employees' Comprehensive Major Medical Plan.

EFFECTIVE DATE: When it becomes law.

ESTIMATED IMPACT ON STATE: Based upon information provided by the Plan, Aon Consulting, the consulting actuary for the Plan, states that "...dependents who leave the plan and move to the 125 plan will typically have a better risk profile, leaving the plan with adverse selection and higher average costs." Also, based on information provided by the Plan, Hartman & Associates, consulting actuary for the General Assembly's Fiscal Research Division, states that the bill "...would lead to self-selection based on benefit provisions, rating factors, and individual health status" and that "...anti-selection against the State Plan would occur, and the Plan would likely lose lower-risk individuals."

Aon Consulting further attempted to quantify the amount of cost to the Plan for the 2003-05 biennium. Assuming that the alternative dependent health care benefits or health insurance would be available to 50% of eligible employees and that the alternative benefit would attract 10% of eligible dependents, Aon projects enactment of the bill would have a cost to the Teachers' and State Employees' Comprehensive Major Medical Plan of \$600,000 for 2003-04 and \$900,000 for 2004-05, or a total cost of \$1,500,000 for the 2003-05 biennium.

Hartman & Associates did not quantify the amount of cost to the Plan, but stated that the bill "...will increase costs to the Plan, and the cost could be substantial."

ASSUMPTIONS AND METHODOLOGY: The Comprehensive Major Medical Plan for Teachers and State Employees is divided into two programs. From October 1982 through June 1986, the Plan only had a self-funded indemnity type of program which covered all employees, retired employees, eligible dependents of employees and retired employees, and eligible former employees and their eligible dependents authorized to continue coverage past a

termination of employment other than for retirement or disability purposes. A prepaid program of coverage by health maintenance organizations (HMOs) was offered in July 1986, as an alternative to the Plan's self-insured indemnity program. The benefits of the self-insured indemnity type of program are spelled out in Part 3 of Article 3 of Chapter 135 of the North Carolina General Statutes (i.e., \$350 annual deductible, 20% coinsurance up to \$1,500 annually, etc. paid by the program's members). HMOs are required to offer benefits that are comparable to those provided by the self-insured indemnity program. Beginning in July, 2000, firefighters, rescue squad workers, and members of the National Guard and their eligible dependents were allowed to voluntarily participate in the Plan on a fully contributory basis, provided they were ineligible for any other type of group health benefits and had been without such benefits for at least six months. Employer-paid non-contributory premiums are only authorized for the indemnity program's coverage for employees and retired employees. All other types of premiums in the indemnity program are fully contributory, except for job-sharing public school teachers who are authorized partially contributory premiums at 50% of non-contributory rates. The Plan's Executive Administrator has set the premium rates for firefighters, rescue squad workers, and members of the National Guard and their families at 20% more than the comparable rates charged for employees, retired employees, and their families. Premiums paid by employers to HMOs are limited to like amounts paid to the indemnity program with employees and retired employees paying any HMO amounts above the indemnity program's non-contributory rates. Both types of coverage continue to be available in the Plan; however, none of the HMOs with certificates of authority to transact business in North Carolina have offered to participate in the Plan since September 30, 2001. The Plan's employees and retired employees select the type of program that they wish for themselves and their dependents during the months of August and September of each year for coverage beginning in October. The demographics of the Plan as of December 31, 2002, include:

	Self-Insured	Alternative	Plan
,	Indemnity Program	HMOs	<u>Total</u>
Number of Participants		•	
Active Employees	280,065	-0-	280,065
Active Employee Dependents	137,841	-0-	137,841
Retired Employees	117,225	-0-	117,225
Retired Employee Dependents	18,999	-0-	18,999
Former Employees & Dependents			·
with Continued Coverage	2,535	-0-	2,535
Firefighters, Rescue Squad			
Workers, National Guard	•		
Members & Dependents	7	-0-	7
Total Enrollments	556,672	-0-	556,672
Number of Contracts			
Employee Only	313,439	-0-	313,439
Employee & Child(ren)	40,978	-0-	40,978
Employee & Family	44,710	-0-	44,710
Total Contracts	399,127	-0-	399,127
		•	
Percentage of			
Enrollment by Age			
29 & Under	26.9%	-0-%	26.9%
30-44	20.9	-0-	20.9
45-54	20.9	-0-	20.9
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55-64	16.2	-0-	16.2
65 & Over	15.1	-0-	15.1
Percentage of			
Enrollment by Sex			
Male	38.3%	-0-%	38.3%
Female	61.7	-0-	61.7

Assumptions for the Self-Insured Indemnity Program: For the fiscal year beginning July 1, 2002, the self-insured program started its operations with a beginning cash balance of \$91.6 million. Receipts for the year are estimated to be \$1.371 billion from premium collections and \$7 million from investment earnings for a total of \$1.378 billion in receipts for the year. Disbursements from the self-insured program are expected to be \$1.335 billion in claim payments and \$38 million in administration and claims processing expenses for a total of \$1.373 billion for the year beginning July 1, 2002. For the fiscal year beginning July 1, 2002, the self-insured indemnity program is expected to have a net operating gain of approximately \$5 million for the year. Without reserving an additional \$15 million for implementation of the claims data and privacy requirements of the federal Health Insurance Portability and îthat take effect and after Accountability Act (HIPPA) on April 14, 2003, the Plan's self-insured indemnity program is expected to have an available beginning cash balance of \$96 million for the fiscal year beginning July 1, 2003. The self-insured indemnity program is nonetheless assumed to be unable to carry out its operations for the 2003-2005 biennium without increases in its current premium rates or a reduction in existing benefits or payments to health care providers or both. This assumption is further predicated upon the fact that the program's cost containment strategies (hospital DRG reimbursements, discounts on hospital outpatient services, pre-admission hospital testing, pre-admission hospital inpatient certification with length-of-stay approval, hospital bill audits, case and disease management for selected medical conditions, mental health case management, coordination of benefits with other payers, Medicare benefit "carve-outs", cost reduction contracts with participating physicians and other providers, a prescription drug benefit manager with manufacturer rebates from formularies, and fraud detection) are maintained and improved where possible. Current non-contributory premium rates are \$186.04 monthly for employees whose primary payer of health benefits is Medicare and \$244.38 per month for employees whose primary payer of health benefits is not Medicare. Fully contributory premium amounts for employee and child(ren) contracts are \$115.78 monthly for children whose primary payer of health benefits is Medicare and \$152.32 monthly for other covered children, and \$277.68 per month for family contracts whose dependents have Medicare as the primary payer of health benefits and \$365.36 per month for other family contract dependents. Claim cost trends are expected to increase 12% annually. Total enrollment in the program is expected to increase less than 1% annually over the next two years. The number of enrolled active employees is expected to show no increase over the next two years, whereas the growth in the number of retired employees is assumed to be 5% per year. The program is expected to have a 2% decrease in the number of active employee dependents per year whereas the number of retiree dependents is expected to increase 2% per year. Investment earnings are based upon a 4.5% return on available cash balances. The self-insured indemnity program maintains a claim stabilization reserve for claim cost fluctuations equal to 7.5% of annual claim payments without reserving additional funds for incurred but unreported claims.

<u>Assumptions for the Indemnity Plan's University Dependents</u>: As of March 31, 2003, University active employee group enrollments in the Teachers' and State Employees' Comprehensive Major Medical Plan were:

Employee Employee & Child(ren) Employee & Family Total Enrollment

Only Employees Dependents Employees Dependents Employees Dependents Total

Appalachian State	1,402	299	505	345	783	2,046	1,288	3,334
East Carolina	2,896	545	934	675	1,673	4,116	2,607	6,723
Elizabeth City State	320	71	118	42	100	433	218	651
Fayetteville State	456	85	159	65	153	606	312	918
NC A&T	940	196	337	174	433	1,310	770	2,080
NC Central	579	142	221	80	209	801	430	1,231
NC State	5,033	826	1,434	1,196	2,788	7,055	4,222	11,277
School of Arts	276	38	59	56	122	370	181	551
UNC Asheville	422	73	126	81	176	576	302	878
UNC Chapel Hill	7,538	1,251	2,157	1,763	4,277	10,552	6,434	16,986
UNC Charlotte	1,451	232	385	315	724	1,998	1,109	3,107
UNC Greensboro	1,484	212	368	301	682	1,997	1,050	3,047
UNC Healthcare	3,661	609	1,021	389	953	4,659	1,974	6,633
UNC Pembroke	402	74	135	76	174	552	309	861
UNC Wilmington	960	162	264	233	505	1,355	769	2,124
Western Carolina	849	149	254	155	340	1,153	594	1,747
Winston Salem State	419	78	128	61	128	558	256	814
TOTAL	29,088	5,042	8,605	6,007	14,220	40,137	22,825	62,962

Annualized dependent premiums based upon these March 31, 2003, enrollments were:

•	•			Total De	<u>pendent</u>	
	Employee & Child(ren)		<u> Employee & Family</u>		<u>Premiums</u>	
<u>University</u>	Contracts	<u>Premiums</u>	Contracts	<u>Premiums</u>	Contracts	<u>Premiums</u>
Appalachian State	299	\$546,524	345	\$1,512,590	644	\$2,059,115
East Carolina	545	\$996,173	675	\$2,959,416	1,220	\$3,955,589
Elizabeth City State	71	\$129,777	42	\$184,141	113	\$313,918
Fayetteville State	85	\$155,366	65	\$284,981	150	\$440,347
NC A&T	196	\$358,257	174	\$762,872	370	\$1,121,128
NC Central	142	\$259,553	80	\$350,746	222	\$610,299
NC State	826	\$1,509,796	1,196	\$5,243,647	2,022	\$6,753,443
School of Arts	38	\$69,458	56	\$245,522	94	\$314,980
UNC Asheville	73	\$133,432	81	\$355,130	154	\$488,562
UNC Chapel Hill	1,251	\$2,286,628	1,763	\$7,729,556	3,014	\$10,016,184
UNC Charlotte	232	\$424,059	315	\$1,381,061	547	\$1,805,120
UNC Greensboro	212	\$387,502	301	\$1,319,680	513	\$1,707,182
UNC Healthcare	609	\$1,113,155	389	\$1,705,500	998	\$2,818,655
UNC Pembroke	74	\$135,260	76	\$333,208	150	\$468,468
UNC Wilmington	162	\$296,110	233	\$1,021,547	395	\$1,317,657
Western Carolina	149	\$272,348	155	\$679,570	304	\$951,918
Winston Salem State	78	\$142,572	61	\$267,444	139	\$410,015
TOTAL	5,042	\$9,215,969	6,007	\$26,336,610	11,049	\$35,552,580

This March 31, 2003, data indicates that UNC active employee group dependents account for 12% of the Plan's total parent & child contracts, 13% of the Plan's total family contracts, and 14% of the Plan's total annual dependent premiums.

A comparison of enrollment characteristics between the Plan's total active and retired employee group dependents and UNC's active employee group dependents as of March and April 2002, and an underwriting comparison

HB 1071

between the Plan's total active and retired employee group dependents and UNC's active employee group dependents for the 2000-01 fiscal year reveal:

	Total Active & Retired		UNC Active Employee	
	Group Dependents - 3/31/02 G		Group Dependents - 4/30/02	
Dependent Ages	<u>Number</u>	Percent	Number	<u>Percent</u>
Age 29 & Under	115,057	72.2%	16,893	74.1%
Age 30-44	10,550	6.6%	2,275	10.0%
Age 45-54	13,816	8.7%	2,205	9.7%
Age 55-64	12,485	7.8%	1,279	5.6%
Age 65 & Over	7,483	4.7%	145	0.6%
Total Dependents	159,391	100.0%	22,797	100.0%
Dependent Contracts				
Employee & Child(ren)	71,846	45.1%	•	37.7%
Employee & Family	87,545	54.9%		62.3%
Total Dependents	159,391	100.0%	22,797	100.0%
	Total Activ	e & Retired	UNC Active	e Employee
		ependents		ependents
2000-01 Underwriting				
Annual Premiums	Contracts		Contracts	
Employee & Child(ren)	37,002	\$50,586,100	5,045	\$6,904,487
Employee & Family	44,204	\$138,248,085	6,038	\$19,648,802
Total Dependents		\$188,834,185		\$26,553,289
Annual Claims				
Employee & Child(ren)		\$49,101,492		\$5,262,994
Employee & Family		\$179,534,694		\$21,162,591
Employee & Family Total Dependents		\$179,534,694 \$228,636,186		\$21,162,591 \$26,425,585
· · · · · ·				
Total Dependents				
Total Dependents <u>Annual Gain (Loss)</u>		\$228,636,186		\$26,425,585

SOURCES OF DATA:

- Actuarial Note, Hartman & Associates, House Bill 1071, April 25, 2003, original of which is on file in the General Assembly's Fiscal Research Division.
- Actuarial Note, Aon Consulting, House Bill 1071, April 25, 2003, original of which is on file with the Comprehensive Major Medical Plan for Teachers and State Employees and the General Assembly's Fiscal Research Division.

FISCAL RESEARCH DIVISION: 733-4910

PREPARED BY: Sam Byrd

APPROVED BY: James D. Johnson

BILL ACTION WORKSHEET FOR COMMITTEE MEETINGS

Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	HB1195	Sponsor Motion by Motion by Motion by Motion by	REPS. GORMAN S BAPNHART ————————————————————————————————————
	******	*****	
Bill Favorable Unfavorable Amended Comm. Sub. Original Bill Re-referred Other Action	#18975 #1005E FLOOTZ	Sponsor Motion by Motion by Motion by Motion by Motion by	REP. BRUBAKER
Other Action			
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Bill Favorable Unfavorable Amended Comm. Sub. Original Bill	HB1071	Sponsor Motion by Motion by Motion by Motion by	REPO. MINETE É MCCOMAS
Re-referred		Motion by	
Other Action	*******	*******	
Bill Favorable		Sponsor Motion by	·
Unfavorable		Motion by	
Amended Comm. Sub.		Motion by	
Original Bill Re-referred		Motion by	
Other Action		Motion by	



NORTH CAROLINA HOUSE OF REPRESENTATIVES COMMITTEE MEETING NOTICE AND BILL SPONSOR NOTIFICATION 2003-2004 SESSION

You are hereby notified that the Sub/Committee on Universities will meet as follows:

DAY & DATE:

May 22, 2003

TIME:

Immediately after House Session

LOCATION:

Rm 1228

The following bills will be considered (Bill # & Short Title & Bill Sponsor):

SB 706 – UNC-W Athletic Facilities Exemption

Sponsor: Sen. Ballantine

Respectfully, Representatives Bowie & McAllister, Co-Chairs

I hereby certify this notice was filed by the committee assistant at the following offices at 1:30 pm on May 21, 2003.

Principal Clerk
Reading Clerk - House Chamber

Sharon Gaudette (Committee Assistant)

AGENDA

EDUCATION/ Subcommittee On Universities

May 22, 2003
Room 1228 LB
Immediately after Session

OPENING REMARKS

Representative Joanne W. Bowie Presiding, Co-Chair

AGENDA ITEMS:

SB 706 – UNC-W Athletic Facilities Exemption Sponsor: Sen. Ballantine

MINUTES

EDUCATION Subcommittee On Universities

May 22, 2003 Room 1228

The House EDUCATION/subcommittee On Universities met on Thursday, May 22, 2003, at 1:15 PM in Room 1228 LB. Present were: Co-Chairs, Joanne Bowie, Mary McAllister; Vice-Chair, Ray Rapp; Representatives Daughtridge, Dickson, Fox, Haire, Insko, Michaux, Ross, and Stiller. Drupti Chauhan and Sara Kamprath, Staff. A Visitor Registration list is attached and made part of these minutes.

Presiding Co-Chair Representative Joanne Bowie called the meeting to order to consider the following bill:

SB 706, AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES. Senator Patrick Ballantine was recognized to explain the bill.

After a good deal of discussion, Representative Insko requested line 9 be changed: delete "Athletic Stadium" -- add "softball field" and be rolled into a committee substitute. Representative Mary McAllister motioned that the committee give SB 706 an unfavorable report to the original bill, and a favorable report to the committee substitute and that it be re-referred to the Committee on State Government. Motion passed.

Meeting Adjourned 1:45 pm.

Respectfully submitted,

Representative Joanne W. Bowie

Presiding Co-Chair

Sharon A. Gaudette (

Committee Assistant

VISITOR REGISTRATION SHEET

	VISITOR REGISTRATION SHEET						
)	Universities Com	5-22-03					
	Name of Committee	Date					
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2003 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 Representatives Bowie & McAllister (Chairs) for the Universities Subcommittee on Education EDUCATION Universities Committee Substitute for S.B. 706 A BILL TO BE ENTITLED AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES. 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: Representative Bonner, Hilton, Warner & Wood for the Standing Compatter on EDUCATION. mule With a favorable report. With a favorable report, as amended.
With a favorable report as to the committee substitute bill (# With a favorable report, as amended.), \(\infty\) which changes the title, unfavorable as to (the original bill) (Committee Substitute Bill #)- (and recommendation that the committee substitute bill (# be referred to the Committee on State Government.) HOCKS 03/26/03

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SENATE BILL 706

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(Public)

Second Edition Engrossed 4/16/03 PROPOSED HOUSE COMMITTEE SUBSTITUTE S706-PCS65297-RJ-24

Short Title: UNC-W Athletic Facilities Exemption.

Sponsors:	
Referred to:	
	April 2, 2003
	A BILL TO BE ENTITLED
	OW UNC-WILMINGTON TO ADD BLEACHERS TO AN
EXISTING SOF	TBALL FIELD WITHOUT HAVING TO CONSTRUCT
ADDITIONAL PL	UMBING FACILITIES.
The General Assembly	y of North Carolina enacts:
	1. Notwithstanding any requirements for additional plumbing
facilities imposed und	er Section 403.3.1.4, Table 403.1, and Table 403.4 of Chapter 4 of
the North Carolina Pl	umbing Code, 2002 Edition, the University of North Carolina at
Wilmington, as part o	f its addition of bleachers to an existing softball field, shall not be ilet facilities in addition to those facilities currently existing at the
stadium.	not racinities in addition to mose facilities carreinary emissing at an

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

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SENATE BILL 706 Second Edition Engrossed 4/16/03

Short Title:	UNC-W Athletic Facilities Exemption.	(Public)
Sponsors:	Senator Ballantine.	70° - 1 Ju
Referred to:	State Government, Local Government, and Veterans' Affairs.	

April 2, 2003

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A BILL TO BE ENTITLED

AN ACT TO ALLOW UNC-WILMINGTON TO ADD BLEACHERS TO AN EXISTING ATHLETIC STADIUM WITHOUT HAVING TO CONSTRUCT ADDITIONAL PLUMBING FACILITIES.

The General Assembly of North Carolina enacts:

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SECTION 1. Notwithstanding any requirements for additional plumbing facilities imposed under Section 403.3.1.4, Table 403.1, and Table 403.4 of Chapter 4 of the North Carolina Plumbing Code, 2002 Edition, the University of North Carolina at Wilmington, as part of its addition of bleachers to an existing athletic stadium, shall not be required to provide toilet facilities in addition to those facilities currently existing at the stadium.

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



SENATE BILL 706: UNC-W Athletic Facilities Exemption

BILL ANALYSIS

Committee: House Education Subcommittee

Introduced by: Sen. Ballantine

on Universities

Summary by: Sara Kamprath

Date:

May 22, 2003

Committee Analyst

Version:

Second Edition

SUMMARY: This act would allow UNC-Wilmington to add bleachers to its athletic stadium without compliance to applicable building codes. The act is effective when it becomes law.

Based upon occupancy, the North Carolina Building Code provides for a **CURRENT LAW:** minimum number of water closets, urinals, lavatories, and drinking fountains.

Athletic Stadiums -- Table 403.1

Over 400 persons:

Type	Male	Female	-Total	Additional
Water Closets	4	12	·	Over 400, add 1 fixture each 300 males, each 100 females
Urinals	5			Over 400, add 1 fixture each 200 males
Lavatories			4	Over 400, add 1 fixture each 200 persons
Drinking Fountains			1 per 500	Over 1000, 2 fixtures plus 1 each 1000 persons

According to G.S. 116-31.11, the UNC Board of Governors shall have the following responsibilities regarding the design, construction, or renovation of buildings, utilities, and other property developments under \$2 million:

- Conduct the fee negotiations for all design contracts and supervise the letting of "(1)all construction and design contracts.
- Develop procedures governing the responsibilities of The University of North (2) Carolina and its affiliated and constituent institutions to perform the duties of the Department of Administration and the Director or Office of State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).

SENATE BILL 706

Page 2

(3) Develop procedures and reasonable limitations governing the use of open-end design agreements, subject to G.S. 143-64.34 and the approval of the State Building Commission."



S706-SMRJ-001