

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 668  
Committee Substitute Favorable 4/29/19  
Senate Education/Higher Education Committee Substitute Adopted 6/26/19

Short Title: Various Higher Education Changes.

(Public)

Sponsors:

Referred to:

April 11, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO HIGHER EDUCATION LAWS.  
3 The General Assembly of North Carolina enacts:

4  
5 **PART I. THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

6 **SECTION 1.1.** Community colleges permitted to provide insurance in lieu of bond.  
7 – G.S. 115D-58.10 reads as rewritten:

8 "**§ 115D-58.10. Surety ~~bonds~~, bonds and related insurance.**

9 The State Board of Community Colleges shall determine what State employees and  
10 employees of institutions shall give bonds or be insured for the protection of State funds and  
11 property and the State Board is authorized to place the ~~bonds~~ bonds, determine adequate  
12 insurance coverage, and pay the premiums thereon from State funds.

13 The board of trustees of each institution shall require all institutional employees authorized  
14 to draw or approve checks or vouchers drawn on local funds, and all persons authorized or  
15 permitted to receive institutional funds from whatever source, and all persons responsible for or  
16 authorized to handle institutional property, to be bonded by a surety company authorized to do  
17 business with the State in such amount as the board of trustees deems sufficient for the protection  
18 of such property and funds. In lieu of a bond, the board of trustees may obtain and maintain  
19 adequate insurance coverage sufficient for the protection of institutional funds and property. The  
20 tax-levying authority of each institution shall provide the funds necessary for the payment of the  
21 premiums of ~~such bonds~~ the bonds or for insurance coverage."

22 **SECTION 1.2.** If House Bill 966, 2019 Regular Session, becomes law, Section 1.1  
23 of this act is repealed.

24  
25 **PART II. UNIVERSITY OF NORTH CAROLINA SYSTEM**

26 **SECTION 2.1.(a)** G.S. 116-36 reads as rewritten:

27 "**§ 116-36. Endowment fund.**

28 ...

29 (i) The Board of Governors of the University of North Carolina shall establish and  
30 maintain in a manner not inconsistent with the provisions of this section or with regulations  
31 established under this section an endowment fund for all endowment funds now held or hereafter  
32 acquired for the benefit of the University of North Carolina Center for Public ~~Television~~ Media.

33 (j) Any gift or devise of real or personal property to a constituent institution of the  
34 University of North Carolina or to the University of North Carolina or to the University of North  
35 Carolina Press or to the University of North Carolina Center for Public ~~Television~~ Media shall



1 be presumed, nothing to the contrary appearing, a gift or devise, as the case may be, to the  
2 endowment fund of the respective institution or agency.

3 ...."

4 **SECTION 2.1.(b)** G.S. 116-37.1 reads as rewritten:

5 "**§ 116-37.1. Center for public ~~television~~-media.**

6 (a) The Board of Governors is hereby authorized and directed to establish "the University  
7 of North Carolina Center for Public ~~Television~~-Media" (hereinafter called "the Center"). It shall  
8 be the functions of the Center, through itself or agencies with whom it may contract, to provide  
9 research, development, and production of noncommercial educational ~~television programming~~  
10 and informational media programming, and program ~~materials; materials and communications;~~  
11 to provide distribution of noncommercial ~~television-media programming and information~~  
12 through the broadcast facilities licensed to the University of North ~~Carolina; Carolina and other~~  
13 available distribution platforms and otherwise to enhance the uses of ~~television-television, media,~~  
14 and related technology for public purposes.

15 (b) The Center shall have a board of trustees, to be named "the Board of Trustees of the  
16 University of North Carolina Center for Public ~~Television~~-Media" (hereinafter called "the Board  
17 of Trustees"). The Board of Governors is hereby authorized and directed to establish the Board  
18 of Trustees of the Center and to delegate to the Board of Trustees such powers and duties as the  
19 Board of Governors deems necessary or appropriate for the effective discharge of the functions  
20 of the Center; provided, that the Board of Governors shall not be deemed by the provisions of  
21 this section to have the authority to delegate any responsibility it may have as licensee of the  
22 broadcast facilities of the University of North Carolina.

23 (1) The Board of Trustees of the University of North Carolina Center for Public  
24 ~~Television-Media~~ shall be composed of the following membership: 11 persons  
25 appointed by the Board of Governors; four persons appointed by the  
26 Governor; two members appointed by the General Assembly, one upon the  
27 recommendation of the Speaker of the House of Representatives, and one  
28 upon the recommendation of the President Pro Tempore of the Senate in  
29 accordance with G.S. 120-121; and ex officio, the Secretary of Natural and  
30 Cultural Resources, the Secretary of the Department of Health and Human  
31 Services, ~~the Secretary of the Department of Public Safety,~~ the Superintendent  
32 of Public Instruction, the President of the Community College System, and  
33 the President of the University of North Carolina. In making initial  
34 appointments to the Board of Trustees, the Board of Governors shall designate  
35 six persons for two-year terms and five persons for four-year terms, and the  
36 Governor shall designate two persons for two-year terms and two persons for  
37 four-year terms. The initial members appointed to the Board of Trustees by  
38 the General Assembly shall serve for terms expiring June 30, 1983, and  
39 notwithstanding anything else in this section, their successors shall be  
40 appointed in 1983 and biennially thereafter for two year terms. Thereafter, the  
41 term of office of appointed members of the Board of Trustees of the Center  
42 shall be four years. In making appointments to the Board of Trustees the  
43 appointing authorities shall ~~give consideration to~~ consider promoting diversity  
44 among the membership, to the end that, in meeting the responsibilities  
45 delegated to it, the Board of Trustees will reflect and be responsive to the  
46 diverse needs, interests, and concerns of the citizens of North Carolina.

47 ...."

48 **SECTION 2.1.(c)** G.S. 116D-1(11) reads as rewritten:

49 "(11) University. – The University of North Carolina and its constituent and  
50 affiliated institutions, including, without limitation, the University of North  
51 Carolina Center for Public ~~Television~~-Media, the University of North

1 Carolina Health Care System, the North Carolina School of Science and  
2 Mathematics, and the North Carolina Arboretum."

3 **SECTION 2.1.(d)** G.S. 116D-22(2) reads as rewritten:

4 "(2) Institution. – Each of the institutions enumerated in G.S. 116-2, and any  
5 affiliated institutions of the University, including, without limitation, the  
6 University of North Carolina Center for Public ~~Television~~, Media, the  
7 University of North Carolina Health Care System, the North Carolina School  
8 of Science and Mathematics, and the North Carolina Arboretum."

9 **SECTION 2.1.(e)** G.S. 120-123(21) reads as rewritten:

10 "(21) The Board of Trustees of the University of North Carolina Center for Public  
11 ~~Television~~, Media, as established by G.S. 116-37.1."

12 **SECTION 2.1.(f)** G.S. 143B-426.9(6) reads as rewritten:

13 "(6) The Chairman of the Board of Trustees of The University of North Carolina  
14 Center for Public ~~Television~~ Media (if and when established), ex officio;"

15 **SECTION 2.1.(g)** G.S. 143B-426.10(6) reads as rewritten:

16 "(6) In addition to and not in place of the programs, projects, and services of The  
17 University of North Carolina Center for Public ~~Television~~ Media (or its  
18 functional predecessor), to develop and provide media programs and  
19 programming materials and services of a noncommercial educational,  
20 informational, cultural or scientific nature;"

21 **SECTION 2.2.** G.S. 116-41.2 is amended by adding a new subdivision to read:

22 "(10) Notwithstanding any other provision of law and subject to policies established  
23 by the Board of Governors, to purchase or finance the purchase of computers,  
24 computer hardware, computer software, and emergency management  
25 equipment such as power generators through lease purchase or installment  
26 purchase contracts that create a security interest in the purchased property that  
27 secures payment of the purchase price to the seller or entity advancing monies  
28 or supplying financing for the purchase transaction. The contracts allowed in  
29 this subdivision shall be subject to State appropriations in accordance with the  
30 North Carolina State Constitution and shall not pledge directly or indirectly  
31 the taxing power of the State. No deficiency judgment may be rendered  
32 against the Board of Governors or the State in any action for breach of a  
33 contractual obligation authorized by this subdivision."

### 34 35 **PART III. HIGHER EDUCATION CHANGES**

36 **SECTION 3.** G.S. 116-143.1 reads as rewritten:

37 "**§ 116-143.1. Provisions for determining resident status for tuition purposes.**

38 (a) As defined under this section:

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

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

45 (3) "Institution of higher education" means any of the constituent institutions of  
46 the University of North Carolina and the community colleges under the  
47 jurisdiction of the State Board of Community Colleges.

48 (4) "Authority" means the State Education Assistance Authority created by and  
49 authorized to act under Article 23 of Chapter 116 of the General Statutes.

50 (b) To qualify as a resident for tuition purposes, a person must have established legal  
51 residence (domicile) in North Carolina and maintained that legal residence for at least 12 months

1 immediately prior to his or her classification as a resident for tuition purposes. Every applicant  
2 for admission shall be required to make a statement as to his length of residence in the State.

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

8 (d) An individual shall not be classified as a resident for tuition purposes and, thus, not  
9 rendered eligible to receive the in-State tuition rate, until he or she has provided such evidence  
10 related to legal residence and its duration as may be required by the coordinated and centralized  
11 residency determination process administered by the Authority in accordance with this Article  
12 acting on behalf of officials of the institution of higher education from which the individual seeks  
13 the in-State tuition rate.

14 (e) When an individual presents evidence that the individual has living parent(s) or  
15 court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be  
16 prima facie evidence of the individual's legal residence, ~~which residence. This presumption may~~  
17 be reinforced or rebutted relative to the age and general circumstances of the individual by the  
18 other evidence of legal residence required of or presented by the individual; ~~provided, that the~~  
19 individual. An individual may offer evidence of graduation from a North Carolina high school to  
20 reinforce or rebut the presumption that the individual's domicile is the same domicile as the  
21 individual's living parent or guardian; however, evidence of graduation from a North Carolina  
22 high school alone shall not establish legal residence in the State. The legal residence of an  
23 individual whose parents are domiciled outside this State shall not be prima facie evidence of the  
24 individual's legal residence if the individual has lived in this State the five consecutive years prior  
25 to enrolling or reregistering at an institution of higher education.

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

- 30 (1) No person shall be precluded solely by reason of marriage to a person  
31 domiciled outside North Carolina from establishing or maintaining legal  
32 residence in North Carolina and subsequently qualifying or continuing to  
33 qualify as a resident for tuition purposes;
- 34 (2) No persons shall be deemed solely by reason of marriage to a person  
35 domiciled in North Carolina to have established or maintained a legal  
36 residence in North Carolina and subsequently to have qualified or continued  
37 to qualify as a resident for tuition purposes;
- 38 (3) In determining the domicile of a married person, irrespective of sex, the fact  
39 of marriage and the place of domicile of his or her spouse shall be deemed  
40 relevant evidence to be considered in ascertaining domiciliary intent.

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

45 ...."

#### 47 PART IV. EFFECTIVE DATE

48 SECTION 4. This act is effective when it becomes law.