

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

H

1

HOUSE BILL 2721*

Short Title: School of Arts/Name Change/Funds. (Public)

Sponsors: Representatives Parmon; and Womble.

Referred to: Appropriations.

May 28, 2008

A BILL TO BE ENTITLED

1 AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA SCHOOL OF
2 THE ARTS TO THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE
3 ARTS AND TO APPROPRIATE ADDITIONAL FUNDING FOR THE SCHOOL
4 OF THE ARTS.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 116-2(4) reads as rewritten:

8 "(4) 'Constituent institution' or 'institution' means one of the 16 public
9 institutions of higher education, to wit, the University of North
10 Carolina at Chapel Hill, North Carolina State University at Raleigh,
11 the University of North Carolina at Greensboro, the University of
12 North Carolina at Charlotte, the University of North Carolina at
13 Asheville, the University of North Carolina at Wilmington,
14 Appalachian State University, East Carolina University, Elizabeth City
15 State University, Fayetteville State University, North Carolina
16 Agricultural and Technical State University, North Carolina Central
17 University, North Carolina School of the Arts, redesignated effective
18 July 1, 2008, as the 'University of North Carolina School of the Arts,'
19 Pembroke State University, redesignated effective July 1, 1996, as the
20 "University of North Carolina at Pembroke", Western Carolina
21 University, and Winston-Salem State University, and the constituent
22 high school, the North Carolina School of Science and Mathematics."

23 **SECTION 2.** G.S. 116-4 reads as rewritten:

24 **"§ 116-4. Constituent institutions of the University of North Carolina.**

25 The University of North Carolina shall be composed of the following institutions of
26 higher education: the University of North Carolina at Chapel Hill, North Carolina State
27 University at Raleigh, the University of North Carolina at Greensboro, the University of
28 North Carolina at Charlotte, the University of North Carolina at Asheville, the
29 University of North Carolina at Wilmington, Appalachian State University, East

1 Carolina University, Elizabeth City State University, Fayetteville State University,
2 North Carolina Agricultural and Technical State University, North Carolina Central
3 University, North Carolina School of the Arts, redesignated effective July 1, 2008, as
4 the 'University of North Carolina School of the Arts,' Pembroke State University,
5 redesignated effective July 1, 1996, as the "University of North Carolina at Pembroke",
6 Western Carolina University and Winston-Salem State University, and the constituent
7 high school, the North Carolina School of Science and Mathematics."

8 **SECTION 3.** G.S. 116-5(a)(2) reads as rewritten:

9 "(2) One person elected prior to January 1, 1972, by and from the
10 membership of the board of trustees of each of the following
11 institutions: Elizabeth City State University, Fayetteville State
12 University, North Carolina School of the Arts, redesignated effective
13 July 1, 2008, as the 'University of North Carolina School of the Arts,'
14 Pembroke State University, redesignated effective July 1, 1996, as the
15 "University of North Carolina at Pembroke", and Winston-Salem State
16 University."

17 **SECTION 4.** G.S. 116-12 reads as rewritten:

18 **"§ 116-12. Property and obligations.**

19 All property of whatsoever kind and all rights and privileges held by the Board of
20 Higher Education and by the Boards of Trustees of Appalachian State University, East
21 Carolina University, Elizabeth City State University, Fayetteville State University,
22 North Carolina Agricultural and Technical State University, North Carolina Central
23 University, North Carolina School of the Arts, redesignated effective July 1, 2008, as
24 the 'University of North Carolina School of the Arts,' Pembroke State University,
25 redesignated effective July 1, 1996, as the "University of North Carolina at Pembroke",
26 Western Carolina University and Winston-Salem State University, as said property,
27 rights and privileges may exist immediately prior to July 1, 1972, shall be, and hereby
28 are, effective July 1, 1972, transferred to and vested in the Board of Governors of the
29 University of North Carolina. All obligations of whatsoever kind of the Board of Higher
30 Education and of the Boards of Trustees of Appalachian State University, East Carolina
31 University, Elizabeth City State University, Fayetteville State University, North
32 Carolina Agricultural and Technical State University, North Carolina Central
33 University, North Carolina School of the Arts, redesignated effective July 1, 2008, as
34 the 'University of North Carolina School of the Arts,' Pembroke State University,
35 redesignated effective July 1, 1996, as the "University of North Carolina at Pembroke",
36 Western Carolina University and Winston-Salem State University, as said obligations
37 may exist immediately prior to July 1, 1972, shall be, and the same hereby are, effective
38 July 1, 1972, transferred to and assumed by the Board of Governors of the University of
39 North Carolina. Any property, real or personal, held immediately prior to July 1, 1972,
40 by a board of trustees of a constituent institution for the benefit of that institution or by
41 the University of North Carolina for the benefit of any one or more of its six
42 institutions, shall from and after July 1, 1972, be kept separate and distinct from other
43 property held by the Board of Governors, shall continue to be held for the benefit of the
44 institution or institutions that were previously the beneficiaries and shall continue to be

1 held subject to the provisions of the respective instruments, grants or other means or
2 process by which any property right was acquired. All property of whatsoever kind and
3 all rights and privileges held by the Board of Trustees of the North Carolina School of
4 Science and Mathematics, as said property, rights and privileges may exist immediately
5 prior to July 1, 2007, shall be and hereby are, effective July 1, 2007, transferred to and
6 vested in the Board of Governors of The University of North Carolina. All obligations
7 of whatsoever kind of the Board of Trustees of the North Carolina School of Science
8 and Mathematics as said obligations may exist immediately prior to July 1, 2007, shall
9 be, and the same hereby are, effective July 1, 2007, transferred to and assumed by the
10 Board of Governors of The University of North Carolina. In case a conflict arises as to
11 which property, rights or privileges were held for the beneficial interest of a particular
12 institution, or as to the extent to which such property, rights or privileges were so held,
13 the Board of Governors shall determine the issue, and the determination of the Board
14 shall constitute final administrative action. Nothing in this Article shall be deemed to
15 increase or diminish the income, other revenue or specific property which is pledged, or
16 otherwise hypothecated, for the security or liquidation of any obligations, it being the
17 intent that the Board of Governors shall assume said obligations without thereby either
18 enlarging or diminishing the rights of the holders thereof."

19 **SECTION 5.** G.S. 116-31(a) reads as rewritten:

20 "(a) All persons who, as of June 30, 1972, are serving as trustees of the regional
21 universities and of the North Carolina School of the Arts, redesignated effective July 1,
22 2008, as the 'University of North Carolina School of the Arts,' except those who may
23 have been elected to the Board of Governors, shall continue to serve for one year
24 beginning July 1, 1972, and the terms of all such trustees shall continue for the period of
25 one year."

26 **SECTION 6.** G.S. 116-41.13A reads as rewritten:

27 **"§ 116-41.13A. Distinguished Professors Endowment Trust Fund; definitions.**

28 The following definitions apply in this Part:

- 29 (1) "Focused growth institution" means Elizabeth City State University,
30 Fayetteville State University, North Carolina Agricultural and
31 Technical University, North Carolina Central University, The
32 University of North Carolina at Pembroke, Western Carolina
33 University, and Winston-Salem State University.
34 (2) "Special needs institution" means the North Carolina School of the
35 Arts—Arts, redesignated effective July 1, 2008, as the 'University of
36 North Carolina School of the Arts' and The University of North
37 Carolina at Asheville."

38 **SECTION 7.** G.S. 116-64 reads as rewritten:

39 **"§ 116-64. Establishment of school.**

40 There is hereby established, and there shall be maintained, a school for the
41 professional training of students having exceptional talent in the performing arts which
42 shall be defined as an educational institution of the State, to serve the students of North
43 Carolina and other states, particularly other states of the South. The school shall be

1 designated the "North Carolina School of the ~~Arts~~ Arts, redesignated effective July 1,
2 2008, as the 'University of North Carolina School of the Arts.'"

3 **SECTION 8.** G.S. 116-65 reads as rewritten:

4 **"§ 116-65. To be part of University of North Carolina; membership of Board of**
5 **Trustees.**

6 The North Carolina School of ~~Arts~~ Arts, redesignated effective July 1, 2008, as the
7 'University of North Carolina School of the Arts.' is a part of the University of North
8 Carolina and subject to the provisions of Article 1, Chapter 116, of the General Statutes;
9 provided, however, that notwithstanding the provisions of G.S. 116-31, the Board of
10 Trustees of said school shall consist of 15 persons, 13 of whom are selected in
11 accordance with provisions of G.S. 116-31, and the conductor of the North Carolina
12 Symphony, or the conductor's designee, and the Secretary of the Department of Cultural
13 Resources, both serving ex officio and nonvoting."

14 **SECTION 9.** G.S. 116-209.19 reads as rewritten:

15 **"§ 116-209.19. Grants to students.**

16 The Authority is authorized to make grants to eligible students enrolled or to be
17 enrolled in eligible institutions in North Carolina out of such money as from time to
18 time may be appropriated by the State or as may otherwise be available to the Authority
19 for such grants. The Authority, subject to the provisions of this Article and any
20 applicable appropriation act, shall adopt rules, regulations and procedures for
21 determining the needs of the respective students for grants and for the purpose of
22 making such grants. The amount of any grant made by the Authority to any student,
23 whether enrolled or to be enrolled in any private institution or any tax-supported public
24 institution, shall be determined by the Authority upon the basis of substantially similar
25 standards and guides that shall be set forth in the Authority's rules, regulations and
26 procedures; provided, however, that grants made in any fiscal year to students enrolled
27 or to be enrolled in private institutions may be increased to compensate, in whole or in
28 part, for the average annual State appropriated tuition subsidy for such fiscal year,
29 determined as provided herein. The average annual State appropriated subsidy for each
30 fiscal year shall be determined by the Secretary of Administration, after consultation
31 with the Board of Governors of the University of North Carolina and the Authority, for
32 each of the two categories of tax-supported institutions, being (i) institutions, presently
33 16, that provide education of the collegiate grade and grant baccalaureate degrees and
34 (ii) institutions, such as community colleges and technical institutes created and existing
35 under Chapter 115A of the General Statutes and community colleges created and
36 existing under Chapter 115D of the General Statutes. The average annual State
37 appropriated subsidy for each of such two categories of institutions shall mean the
38 amount of the total appropriations of the State for the respective fiscal years under the
39 current operations budgets, pursuant to the State Budget Act reasonably allocable to
40 undergraduate students enrolled in such institutions exclusive of the Division of Health
41 Affairs of the University of North Carolina and the North Carolina School of the ~~Arts~~
42 Arts, redesignated effective July 1, 2008, as the 'University of North Carolina School of
43 the Arts' for all institutions in such category, all as shall be determined by the Secretary

1 of Administration after consultation as above provided, divided by the budgeted number
 2 of North Carolina undergraduate students to be enrolled in such fiscal year.

3 The Authority, in determining the needs of students for grants, may among other
 4 factors, give consideration to the amount of other financial assistance that may be
 5 available to the students, such as nonrepayable awards under the Pell Grant Program,
 6 the Health Professions Education Assistance Act or other student assistance programs
 7 created by federal law."

8 **SECTION 10.** G.S. 147-54 reads as rewritten:

9 **"§ 147-54. Printing, distribution and sale of the North Carolina Manual.**

10 The Secretary of State shall have printed biennially for distribution and sale, two
 11 thousand three hundred fifty (2,350) copies of the North Carolina Manual, and shall
 12 make distribution to the State agencies, individuals, institutions and others as herein set
 13 forth.

14 **NORTH CAROLINA STATE GOVERNMENT:**

15	Members of the General Assembly	1 ea.
16	Officers of the General Assembly	1 ea.
17	Offices of the Clerk of each House of the General Assembly	1 ea.
18	Legislative Services Officer	1
19	Legislative Library	6
20	Members of the Council of State	2 ea.
21	Appointed Secretaries of Executive Departments	2 ea.
22	Personnel of the Department of the Secretary of State	1 ea.
23	State Board of Elections	2
24	Divisions of Archives and History, Director	1
25	Search Room	3
26	Publications Section	2
27	State Library	10
28	Libraries within State Agencies	1 ea.
29	Justices of the North Carolina Supreme Court	1 ea.
30	Judges of the North Carolina Court of Appeals	1 ea.
31	Judges of the North Carolina Superior Court	1 ea.
32	Supreme Court Library	12
33	Court of Appeals Library	2
34	Clerk of the Supreme Court	1
35	Clerk of the Court of Appeals	1
36	Reporter of the Supreme Court and Court of Appeals	1
37	Administrative Office of the Courts	5

38 **NORTH CAROLINA EDUCATIONAL INSTITUTIONS:**

39 **University of North Carolina System**

40	General Administration Offices	12
41	Chancellors of the Constituent Institutions	1 ea.
42	University of North Carolina – Chapel Hill Library	15
43	North Carolina State University Library	5
44	East Carolina University Library	5

1	North Carolina Central University Library	5
2	Appalachian State University Library	4
3	University of North Carolina – Charlotte Library	4
4	University of North Carolina – Greensboro Library	4
5	Western Carolina University Library	4
6	Other Constituent Institutions Libraries	3 ea.
7	North Carolina School of the Arts <u>Arts, redesignated effective July 1, 2008,</u>	
8	<u>as the 'University of North Carolina School of the Arts'</u>	2
9	University of North Carolina–Chapel Hill School of Government.....	2
10	Community Colleges and Technical Institutes	2 ea.
11	Private Colleges and Universities	
12	Duke University Library	6
13	Wake Forest University	6
14	Campbell University Library	5
15	Davidson College Library	4
16	All other Libraries of Senior and Junior Colleges	2 ea.
17	Public and Private Schools containing grades 8-12	1 ea.
18	COUNTY GOVERNMENT:	
19	Clerks of Court	1 ea.
20	Registers of Deeds	1 ea.
21	Public Libraries of North Carolina	1 ea.
22	FEDERAL GOVERNMENT:	
23	President of the United States	1
24	North Carolina Members of the Presidential Cabinet	1 ea.
25	North Carolina Members of the United States Congress	2 ea.
26	Library of Congress	3
27	Resident Judges of the Federal Judiciary	
28	and United States Attorneys in North Carolina	1 ea.
29	Secretaries of State of the United States	
30	and Territories	1 ea.
31	After making the above distribution, the remainder shall be sold at the cost of	
32	publication plus tax and postage and the proceeds from such sales deposited with the	
33	State Treasurer for use by the Publications Division of the Secretary of State's Office to	
34	defray the expense of publishing the North Carolina Manual. Libraries and educational	
35	institutions not covered in the above distribution shall be entitled to a twenty percent	
36	(20%) discount on the cost of any purchase(s)."	
37	SECTION 11. G.S. 165-20(6) reads as rewritten:	
38	"(6) "State educational institution" means any educational institution of	
39	higher learning which is owned and operated by the State of North	
40	Carolina, or any community college operated under the provisions of	
41	Chapter 115A and Article 3 of Chapter 116 of the General Statutes of	
42	North Carolina, or the college program of the North Carolina School	
43	of the Arts, <u>redesignated effective July 1, 2008, as the 'University of</u>	
44	<u>North Carolina School of the Arts,'</u> or any technical institute operated	

1 under the provisions of Chapter 115A of the General Statutes of North
2 Carolina."

3 **SECTION 12.** The General Statutes are further amended by substituting the
4 phrase "University of North Carolina School of the Arts" for the phrase "North Carolina
5 School of the Arts" wherever that phrase may appear.

6 **SECTION 13.(a)** All statutory and other legal authority, powers, duties,
7 functions, records, personnel, property, and unexpended balances of appropriations or
8 other funds of the North Carolina School of the Arts remain those of the University of
9 North Carolina School of the Arts.

10 **SECTION 13.(b)** Nothing in this act requires the immediate replacement of
11 any stationery, other supplies, or any emblems or other symbols used by the University
12 of North Carolina School of the Art, as they existed prior to the enactment of this act.

13 **SECTION 14.** There is appropriated from the General Fund to the Board of
14 Governors of the University of North Carolina the sum of one million dollars
15 (\$1,000,000) for the 2008-2009 fiscal year to provide special focus institution funding
16 for the North Carolina School of the Arts. These funds are needed because the mission
17 and limited size of this institution make it difficult for it to generate sufficient funds
18 from the student credit hour enrollment funding model and other sources to provide the
19 services students need.

20 **SECTION 15.** This act becomes effective July 1, 2008.