

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1080

Short Title: Certain UNC Escheat Receipts.

(Public)

Sponsors: Representatives Jerals; Barnhill, Cunningham, Gist, Hardaway, Kennedy, and Michaux.

Referred to: Appropriations.

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING ESCHEAT RECEIPTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-43 reads as rewritten:

"§ 116-43. Escheat receipts prior to July 1, 1971.

All property that has heretofore escheated to the University of North Carolina, and all interest and earnings thereon, shall be set apart by the Board of Governors of the University for the ~~six~~ member campuses of ~~the~~ The University of North Carolina as constituted on June 30, 1971, Carolina, so that the interest and earnings from said fund shall be used for maintenance and/or for scholarships and loan funds for worthy and needy students, residents of the State, attending the member campuses of ~~the~~ The University of North Carolina as constituted on June 30, 1971, Carolina, under such rules and regulations as shall be adopted by the Board of Governors."

Sec. 2. G.S. 116-12 reads as rewritten:

"§ 116-12. Property and obligations.

All property of whatsoever kind and all rights and privileges held by the Board of Higher Education and by the Boards of Trustees of Appalachian State University, East Carolina University, Elizabeth City State University, Fayetteville State University, North Carolina Agricultural and Technical State University, North Carolina Central University, North Carolina School of the Arts, Pembroke State University, Western Carolina University and Winston-Salem State University, as said property, rights and privileges may exist immediately prior to July 1, 1972, shall be, and hereby are, effective July 1, 1972, transferred to and vested in the Board of Governors of the

1 University of North Carolina. All obligations of whatsoever kind of the Board of Higher
2 Education and of the Boards of Trustees of Appalachian State University, East Carolina
3 University, Elizabeth City State University, Fayetteville State University, North
4 Carolina Agricultural and Technical State University, North Carolina Central
5 University, North Carolina School of the Arts, Pembroke State University, Western
6 Carolina University and Winston-Salem State University, as said obligations may exist
7 immediately prior to July 1, 1972, shall be, and the same hereby are, effective July 1,
8 1972, transferred to and assumed by the Board of Governors of the University of North
9 Carolina. Any property, real or personal, held immediately prior to July 1, 1972, by a
10 board of trustees of a constituent institution for the benefit of that institution or by the
11 University of North Carolina for the benefit of any one or more of its ~~six~~-institutions,
12 shall from and after July 1, 1972, be kept separate and distinct from other property held
13 by the Board of Governors, shall continue to be held for the benefit of the institution or
14 institutions that were previously the beneficiaries and shall continue to be held subject
15 to the provisions of the respective instruments, grants or other means or process by
16 which any property right was ~~acquired~~-acquired, except as provided by G.S. 116-43 for
17 allocation of interest and earnings accrued on and after July 1, 1991, from property
18 escheated to The University of North Carolina prior to July 1, 1971. In case a conflict
19 arises as to which property, rights or privileges were held for the beneficial interest of a
20 particular institution, or as to the extent to which such property, rights or privileges were
21 so held, the Board of Governors shall determine the issue, and the determination of the
22 Board shall constitute final administrative action. Nothing in this Article shall be
23 deemed to increase or diminish the income, other revenue or specific property which is
24 pledged, or otherwise hypothecated, for the security or liquidation of any obligations, it
25 being the intent that the Board of Governors shall assume said obligations without
26 thereby either enlarging or diminishing the rights of the holders thereof."

27 Sec. 3. This act becomes effective July 1, 1991, and applies to the
28 distribution of interest and earnings accrued on and after that date.