ADMITTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 259

H259-AMH-12 [v.6]

Amends Title [NO]
Second Edition

Representative

moves to amend the bill on page 262, lines 26-27, by inserting the following language between those lines:

"SALUDA GRADE RAIL CORRIDOR

SECTION 14.5.(a) Findings and Purpose. – The General Assembly finds that the Saluda Grade Railroad was constructed in the 1870s to link Spartanburg, South Carolina, to Asheville, North Carolina, and holds a special place in American rail history as the steepest standard-gauge mainline railroad in the United States, located where the line crosses the dramatic Blue Ridge Escarpment. The General Assembly further finds that the 31-mile portion of the Railroad proposed for acquisition stretches from Inman, SC, to Zirconia, NC, with 16 miles in South Carolina and 15 miles in North Carolina, and would pass through downtown Inman, Gramling, Campobello, Landrum, Tryon, and Saluda, as well as the picturesque Piedmont countryside, the Pacolet River valley with its plunging waterfalls, and the spectacular scenery around the Green River and Lake Summit. The purpose of this section is to take advantage of an unprecedented opportunity for the citizens of North Carolina to celebrate 2023 as the Year of the Trail and enhance the reputation of North Carolina as the Great Trails State by acquiring the Saluda Grade rail corridor for conversion into the Saluda Grade Trail.

SECTION 14.5.(b) Definition. – For purposes of this section, the Saluda Grade rail corridor means the portion of the Norfolk Southern W-Line railroad between milepost 26 in the unincorporated community of Zirconia in Henderson County and the boundary between North Carolina and South Carolina.

SECTION 14.5.(c) Funding. – Notwithstanding any other provision of law or the Committee Report referenced in Section 43.2 of this act to the contrary, funds appropriated in this act from the projected interest in the State Fiscal Recovery Reserve shall be increased by six million dollars ($6,000,000) in the 2023-2024 fiscal year, and eleven million dollars ($11,000,000) in the 2024-2025 fiscal year. These funds shall be transferred to the Department of Natural and Cultural Resources to provide grants in each year of the biennium to Polk County Community Foundation, Inc., a nonprofit corporation (Foundation), to be allocated in the following amounts and for the following purposes:

(1) $5,000,000 in the 2023-2024 fiscal year and $11,000,000 in the 2024-2025 fiscal year for the purchase of the Saluda Grade rail corridor in Henderson and Polk Counties and related transaction costs.
$450,000 in the 2023-2024 fiscal year to conduct an assessment, conceptual design and preliminary engineering of the Saluda Grade rail corridor.

$550,000 in the 2023-2024 fiscal year to study the potential of a multi-purpose active tourism rail and hiking corridor from the City of Hendersonville to either the Town of Tryon or the Town of Saluda, and if such a multi-purpose active tourism rail and hiking corridor is determined to be feasible, to develop a conceptual plan and preliminary engineering for its implementation.

SECTION 14.5.(d) Council Established. – The Foundation shall establish a Saluda Grade Conservation Council to oversee the disbursement of funds provided by this section to the Foundation as provided in this subsection:

(1) Membership. – The Council shall include two members appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, two by the General Assembly, upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, one member of the Polk County Board of Commissioners, elected by that body, one member of the Henderson County Board of Commissioners, elected by that body, one member of the City of Saluda Board of Commissioners, elected by that body, and one member of the Town of Tryon Board of Commissioners, elected by that body. The Chair of the board of the Saluda Historic Depot and Museum Board or the Chair’s designee shall serve as an ex officio member of the Council, and shall vote only in the case of a tie.

(2) Disbursement of Funds. – The Foundation will disburse funds allocated by subdivision (c)(1) of this section at the direction of the Council, and the Council shall cease to exist when the funds allocated by this section have been disbursed and all reports, audits, and other documentation required by the State Budget Act (Chapter 143C of the General Statutes) have been submitted. Funds allocated by subdivisions (c)(2) and (c)(3) of this section may be disbursed directly by the Foundation prior to the appointment of the Council.

SECTION 14.5.(e) Memorandum of Understanding. — No later than September 1, 2023, the Department of Natural and Cultural Resources shall enter into a Memorandum of Understanding with the Foundation regarding the long-term ownership structure, management, and improvement of the rail corridor. The Memorandum shall provide, at a minimum, the following:

(1) That not later than July 1, 2027, the corridor will be conveyed to the State to be added to the State Trail system.

(2) That the conveyance and other provisions of the Memorandum are structured to ensure that the acquisition of the rail corridor and the conversion to an interim use as a State trail is consistent with the requirements of federal law necessary to preserve established railroad rights-of-way for future activation of rail service as set forth in the railbanking provisions of the National Trails System Act Amendments of 1983.
SECTION 14.5.(f) Report. – The Foundation shall provide an interim report no later than March 1, 2024, and a final report no later than October 1, 2025, to the Department of Natural and Cultural Resources, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division regarding the acquisition of and improvements to the Saluda Grade rail corridor funded by this act. The Department shall include a summary of its actions to promote and support the establishment of the Saluda Grade Trail as part of the report required by G.S. 143B-135.102.

SECTION 14.5.(g) Authorization. – Upon completion of the acquisition of the Saluda Grade rail corridor funded by this act, the General Assembly authorizes the Department of Natural and Cultural Resources to add the trail established on the Saluda Grade rail corridor to the State Parks System as a State trail, as provided in G.S. 143B-135.54(b). The Department shall support, promote, encourage, and facilitate the establishment of trail segments and connecting trails on State parklands and on lands of other federal, State, local, and private landowners. On segments of the trail that cross property controlled by agencies or owners other than the Department's Division of Parks and Recreation, the laws, rules, and policies of those agencies or owners shall govern the use of the property. The requirement of G.S. 143B-135.54(b) that additions be accompanied by adequate appropriations for land acquisition, development, and operations shall not apply to the authorization set forth in this section; provided, however, that the State may receive donations of appropriate land and may purchase other needed lands or finance improvements and amenities for the trail with existing funds in the Clean Water Management Trust Fund, the Parks and Recreation Trust Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

and further moves to amend the bill on page 160, lines 7-40, by rewriting the lines to read:

"EDUCATIONAL OPPORTUNITIES PILOT PROGRAM"

SECTION 8.8.(a) Program; Purpose. – The Board of Governors of The University of North Carolina shall establish a College of Educational Opportunities Pilot Program (Program) for eligible students with intellectual and developmental disabilities. North Carolina State University shall develop the Program in the 2023-2024 fiscal year and operate it for each year of the 2023-2025 fiscal biennium. North Carolina Central University shall adapt and operate the Program as developed by North Carolina State University for use in the 2024-2025 fiscal year. The purpose of the Program is to provide postsecondary opportunities for eligible students, including the following:

(1) A person-centered planning process.
(2) The opportunity to pursue educational credentials, including degrees, certificates, and other nondegree credentials.
(3) Inclusive academic enrichment, socialization, independent living skills, and integrated work experiences to develop career skills that can lead to gainful employment.
(4) Individual supports and services for academic and social inclusion in academic courses, extracurricular activities, and other aspects of campus life.
SECTION 8.8.(b) Definition. – For purposes of this section, the term "eligible student" refers to a person who meets all of the following:

(1) Is 22 years of age or older.
(2) Is an adult with intellectual and developmental disabilities.

SECTION 8.8.(c) Funds. – Funds appropriated to the Board of Governors of The University of North Carolina in this act for the 2023-2025 fiscal biennium from the ARPA Temporary Savings Fund for the Program shall meet the following criteria:

(1) The funds may be used for any of the following purposes:
   a. Administrative staff, including a director of the Program, and programmatic staff, including instructors and peer mentors.
   b. Training for university faculty.
   c. Improvements to existing assistive technologies and other academic support services offered by the university.
   d. Scholarships for tuition and fees for economically disadvantaged students.
   e. Additional supports, including counseling, mentoring, and transportation.
   f. Outreach, including website design and recruitment.

(2) The funds shall be allocated in the below fiscal years as follows:
   a. For the 2023-2024 fiscal year, three million dollars ($3,000,000) in nonrecurring funds shall be allocated to North Carolina State University to develop and operate the Program.
   b. For the 2024-2025 fiscal year, the following amounts in nonrecurring funds shall be allocated as follows:
      1. Three million dollars ($3,000,000) to North Carolina State University to operate the Program.
      2. Three million dollars ($3,000,000) to North Carolina Central University to adapt and operate the Program.

SECTION 8.8.(d) Report. – No later than May 15, 2024, the Board of Governors shall report to the Joint Legislative Education Oversight Committee on the impact of the program, including the impact of the Program on the performance of eligible students.

SECTION 8.8.(e) Increase Funds in the 2024-2025 Fiscal Year. – Notwithstanding any other provision of law or the Committee Report described in Section 43.2 of this act to the contrary, the following shall occur:

(1) The nonrecurring funds allocated to the University of North Carolina – Institutional Programs from the ARPA Temporary Savings Fund shall be increased by three million dollars ($3,000,000) for the 2024-2025 fiscal year.
(2) The nonrecurring funds appropriated in this act for the 2024-2025 fiscal year to the Board of Governors of The University of North Carolina for education and workforce training opportunities for individuals with disabilities shall be increased by three million dollars ($3,000,000) in requirements and receipts.

and by adjusting the appropriate totals accordingly.
NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 259

ADOPTED

AMENDMENT NO. A2
(to be filled in by Principal Clerk)

H259-AMH-12 [v.6]

SIGNED ____________________________
Amendment Sponsor

SIGNED ____________________________
Committee Chair if Senate Committee Amendment

ADOPTED _______________ FAILED _______________ TABLED _______________

The official copy of this document, with signatures and vote information, is available in the House Principal Clerk's Office