

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 259

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

H259-AMH-12 [v.6]

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Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2023

Representative Arp

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

3 **"SALUDA GRADE RAIL CORRIDOR**

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

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

21 **SECTION 14.5.(c)** Funding. – Notwithstanding any other provision of law or the  
22 Committee Report referenced in Section 43.2 of this act to the contrary, funds appropriated in  
23 this act from the projected interest in the State Fiscal Recovery Reserve shall be increased by six  
24 million dollars (\$6,000,000) in the 2023-2024 fiscal year, and eleven million dollars  
25 (\$11,000,000) in the 2024-2025 fiscal year. These funds shall be transferred to the Department  
26 of Natural and Cultural Resources to provide grants in each year of the biennium to Polk County  
27 Community Foundation, Inc., a nonprofit corporation (Foundation), to be allocated in the  
28 following amounts and for the following purposes:

- 29 (1) \$5,000,000 in the 2023-2024 fiscal year and \$11,000,000 in the 2024-2025  
30 fiscal year for the purchase of the Saluda Grade rail corridor in Henderson and  
31 Polk Counties and related transaction costs.



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1 (2) \$450,000 in the 2023-2024 fiscal year to conduct an assessment, conceptual  
2 design and preliminary engineering of the Saluda Grade rail corridor.

3 (3) \$550,000 in the 2023-2024 fiscal year to study the potential of a multi-  
4 purpose active tourism rail and hiking corridor from the City of  
5 Hendersonville to either the Town of Tryon or the Town of Saluda, and if such  
6 a multi-purpose active tourism rail and hiking corridor is determined to be  
7 feasible, to develop a conceptual plan and preliminary engineering for its  
8 implementation.

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

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

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

31 **SECTION 14.5.(e)** Memorandum of Understanding. — No later than September 1,  
32 2023, the Department of Natural and Cultural Resources shall enter into a Memorandum of  
33 Understanding with the Foundation regarding the long-term ownership structure, management,  
34 and improvement of the rail corridor. The Memorandum shall provide, at a minimum, the  
35 following:

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

38 (2) That the conveyance and other provisions of the Memorandum are structured  
39 to ensure that the acquisition of the rail corridor and the conversion to an  
40 interim use as a State trail is consistent with the requirements of federal law  
41 necessary to preserve established railroad rights-of-way for future activation  
42 of rail service as set forth in the railbanking provisions of the National Trails  
43 System Act Amendments of 1983.

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1           **SECTION 14.5.(f)** Report. – The Foundation shall provide an interim report no later  
2 than March 1, 2024, and a final report no later than October 1, 2025, to the Department of Natural  
3 and Cultural Resources, the Joint Legislative Oversight Committee on Agriculture and Natural  
4 and Economic Resources, and the Fiscal Research Division regarding the acquisition of and  
5 improvements to the Saluda Grade rail corridor funded by this act. The Department shall include  
6 a summary of its actions to promote and support the establishment of the Saluda Grade Trail as  
7 a part of the report required by G.S. 143B-135.102.

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

23  
24 and further moves to amend the bill on page 160, lines 7-40, by rewriting the lines to read:

25  
26 **"EDUCATIONAL OPPORTUNITIES PILOT PROGRAM**

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

- 35           (1) A person-centered planning process.  
36           (2) The opportunity to pursue educational credentials, including degrees,  
37           certificates, and other nondegree credentials.  
38           (3) Inclusive academic enrichment, socialization, independent living skills, and  
39           integrated work experiences to develop career skills that can lead to gainful  
40           employment.  
41           (4) Individual supports and services for academic and social inclusion in  
42           academic courses, extracurricular activities, and other aspects of campus life.

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1           **SECTION 8.8.(b)** Definition. – For purposes of this section, the term "eligible  
2 student" refers to a person who meets all of the following:

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

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

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

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

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

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

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

42  
43 and by adjusting the appropriate totals accordingly.

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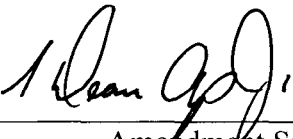
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SIGNED   
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

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and vote information, is available in the  
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