

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1101

Short Title: UNCG/NC A&T/Guilford Co. Funds/UNC. (Public)

Sponsors: Representatives Clemmons, Hardister, Quick, and Faircloth (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 14, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES RELATED TO THE UNIVERSITY OF NORTH
3 CAROLINA SYSTEM AND TO APPROPRIATE FUNDS RELATED TO NORTH
4 CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY, THE
5 UNIVERSITY OF NORTH CAROLINA AT GREENSBORO, AND GUILFORD
6 COUNTY.

7 The General Assembly of North Carolina enacts:

8
9 **PART I. UNC LABORATORY SCHOOL ADMISSION CHANGES**

10 **SECTION 1.(a)** G.S. 116-239.9 reads as rewritten:

11 "**§ 116-239.9. Student admissions and assignment.**

12 (a) A child shall be eligible to attend a laboratory school if the child resides in the local
13 school administrative unit in which a laboratory school is located and meets at least one of the
14 following criteria:

- 15 (1) Is assigned to a low-performing school, as defined by G.S. 115C-105.37 at the
16 time of the student's application.
17 (2) Did not meet expected growth in the prior school year based on one or more
18 indicators listed in subsection (c1) of this section.
19 (3) Is the sibling of a child who is eligible under subdivision (1) or (2) of this
20 subsection.
21 (4) Is the child of a laboratory school employee.

22 (b) No local board of education shall require any student enrolled in the local school
23 administrative unit to attend a laboratory school.

24 (c) During each period of enrollment, the laboratory school shall enroll an eligible student
25 under subsection (a) of this section who submits a timely application, up to the capacity of a
26 program, class, grade level, or building, in the order in which applications are received. Once
27 enrolled, students are not required to reapply in subsequent enrollment periods. The laboratory
28 school may give enrollment priority to the sibling of an enrolled student who attended the
29 laboratory school in the prior school year.

30 (c1) For the purposes of this Article, any of the following shall serve as indicators that a
31 student did not meet expected student growth in the prior school year: (i) grades, (ii) observations,
32 (iii) diagnostic and formative assessments, (iv) State assessments, or (v) other factors, including
33 reading on grade level.

34 (c2) Notwithstanding the requirements of subsection (a) of this section, if a laboratory
35 school has not reached enrollment capacity in a program, class, grade level, or building by March



1 1, prior to the start of the next school year, the laboratory school may enroll children who reside
2 in the local school administrative unit in which the laboratory school is located but do not meet
3 one of the criteria set forth in subdivisions (1) through (4) of subsection (a) of this section for up
4 to twenty percent (20%) of the total capacity of the program, class, grade level, or building.

5 (d) Notwithstanding any law to the contrary, a laboratory school may refuse admission
6 to any student who has been expelled or suspended from a public school under G.S. 115C-390.5
7 through G.S. 115C-390.11 until the period of suspension or expulsion has expired.

8 (e) Within one year after a laboratory school begins operation, the laboratory school shall
9 make reasonable efforts in the recruitment process for the population of the school to reasonably
10 reflect the racial, ethnic, and socioeconomic composition of the general population of the students
11 residing within the local school administrative unit in which the school is located. A laboratory
12 school shall not unlawfully discriminate when making admissions determinations."

13 **SECTION 1.(b)** This Part is effective when it becomes law and applies beginning
14 with the 2020-2021 school year.

16 **PART II. INCREASE OF UNC CARRYFORWARD PERCENTAGE FOR FOUR YEARS**

17 **SECTION 2.(a)** G.S. 116-30.3 reads as rewritten:

18 **"§ 116-30.3. Reversions.**

19 (a) Of the General Fund current operations appropriations credit balance remaining at the
20 end of each fiscal year in each of the budget codes listed in this subsection, any amount of the
21 General Fund appropriation for that budget code for that fiscal year (i) may be carried forward
22 to the next fiscal year in that budget code, (ii) is appropriated in that budget code, and (iii) may
23 be used for any of the purposes set out in subsection (f) of this section. However, the amount
24 carried forward in each budget code under this subsection shall not exceed ~~two and one-half~~ five
25 percent (2.5%)-(5%) of the General Fund appropriation in that budget code. The Director of the
26 Budget, under the authority set forth in G.S. 143C-6-2, shall establish the General Fund current
27 operations credit balance remaining in each budget code.

28 The budget codes that may carry forward a General Fund current operations appropriations
29 credit balance remaining at the end of each fiscal year pursuant to this section are the budget
30 codes for each of the following:

- 31 (1) Each special responsibility constituent institution.
- 32 (2) The Area Health Education Centers of the University of North Carolina at
33 Chapel Hill.
- 34 (3) University of North Carolina System Office Budget Code 16010.

35 ...

36 (f) Funds carried forward pursuant to subsection (a) of this section may be used for
37 one-time expenditures, ~~provided, however, that the expenditures including any funds carried~~
38 forward in a budget code in excess of two and one-half percent (2.5%) of the General Fund
39 appropriation for that budget code may be used for projects that are eligible to receive funds
40 under G.S. 143C-8-13(a). Expenditures authorized by this subsection shall not impose additional
41 financial obligations on the State and shall not be used to support positions."

42 **SECTION 2.(b)** Effective July 1, 2024, G.S. 116-30.3, as amended by subsection
43 (a) of this section, reads as rewritten:

44 **"§ 116-30.3. Reversions.**

45 (a) Of the General Fund current operations appropriations credit balance remaining at the
46 end of each fiscal year in each of the budget codes listed in this subsection, any amount of the
47 General Fund appropriation for that budget code for that fiscal year (i) may be carried forward
48 to the next fiscal year in that budget code, (ii) is appropriated in that budget code, and (iii) may
49 be used for any of the purposes set out in subsection (f) of this section. However, the amount
50 carried forward in each budget code under this subsection shall not exceed ~~five-two and one-half~~
51 percent (5%)-(2.5%) of the General Fund appropriation in that budget code. The Director of the

1 Budget, under the authority set forth in G.S. 143C-6-2, shall establish the General Fund current
2 operations credit balance remaining in each budget code.

3 The budget codes that may carry forward a General Fund current operations appropriations
4 credit balance remaining at the end of each fiscal year pursuant to this section are the budget
5 codes for each of the following:

- 6 (1) Each special responsibility constituent institution.
- 7 (2) The Area Health Education Centers of the University of North Carolina at
8 Chapel Hill.
- 9 (3) University of North Carolina System Office Budget Code 16010.

10 ...

11 (f) Funds carried forward pursuant to subsection (a) of this section may be used for
12 one-time expenditures, ~~including any funds carried forward in a budget code in excess of two~~
13 ~~and one-half percent (2.5%) of the General Fund appropriation for that budget code may be used~~
14 ~~for projects that are eligible to receive funds under G.S. 143C-8-13(a), expenditures.~~
15 Expenditures authorized by this subsection shall not impose additional financial obligations on
16 the State and shall not be used to support positions."
17

18 PART III. UMSTEAD ACT EXEMPTION/NC A&T STATE UNIVERSITY

19 SECTION 3. G.S. 66-58(c) reads as rewritten:

20 "(c) The provisions of subsection (a) shall not prohibit:

- 21 (1) The sale of products of experiment stations or test farms.
- 22 (1a) The sale of products raised or produced incident to the operation of a
23 community college or college viticulture/enology program as authorized by
24 G.S. 18B-1114.4 or the operation of a community college or college brewing,
25 distillation, or fermentation program as authorized by G.S. 18B-1114.6.
- 26 (1b) The sale by North Carolina State University at University-owned facilities of
27 dairy products, including ice cream, cheeses, milk-based beverages, and the
28 by-products of heavy cream, produced by the Dairy and Process Applications
29 Laboratory, so long as any profits are used to support the Department of Food
30 Science and College of Agriculture and Life Sciences at North Carolina State
31 University.
- 32 (1c) The sale by North Carolina Agricultural and Technical State University (NC
33 A&T State University) at University-owned facilities of dairy products,
34 including ice cream, cheeses, milk-based beverages, and the by-products of
35 heavy cream, produced by the University Farm at NC A&T State University,
36 so long as any profits are used to support the Agricultural Research Program
37 in the College of Agriculture and Environmental Sciences at NC A&T State
38 University.

39"

40 41 PART IV. FUNDS FOR NC A&T STATE UNIVERSITY AGRICULTURAL RESEARCH 42 AND EXTENSION ACTIVITIES/STATE MATCH

43 SECTION 4. There is appropriated from the General Fund to the Board of Governors
44 of The University of North Carolina the sum of two million five hundred thousand dollars
45 (\$2,500,000) in additional recurring funds for the 2020-2021 fiscal year to be allocated to North
46 Carolina Agricultural and Technical State University (NC A&T State University) to support its
47 agricultural research and cooperative extension activities by matching federal funds awarded to
48 NC A&T State University as a land-grant university pursuant to the National Agricultural
49 Research, Extension, and Teaching Policy Act of 1977, as amended, 7 U.S.C. § 3221, et seq. The
50 required minimum match for eligibility under the program is one dollar (\$1.00) in nonfederal
51 funds, including those made available by State appropriation, for every one dollar (\$1.00) in

1 federal funds for agricultural research and extension activities approved in the plan of work
2 submitted to the Secretary of Agriculture of the United States. Without the minimum matching
3 State funds appropriated pursuant to this section, NC A&T State University may lose millions of
4 dollars in federal funds for its research and extension activities, since it is currently receiving
5 those funds under a temporary waiver for inability to meet the match requirement. It is also the
6 intent of the General Assembly to appropriate additional State funds as necessary to meet at least
7 a minimum match of one dollar (\$1.00) in nonfederal funds for every one dollar (\$1.00) in
8 available federal funds for this program in subsequent fiscal years to ensure compliance with
9 federal law.

10 **PART V. FUNDS FOR NC A&T STATE UNIVERSITY DOCTORAL PROGRAMS**

11 **SECTION 5.** There is appropriated from the General Fund to the Board of Governors
12 of The University of North Carolina the sum of seven million five hundred thousand dollars
13 (\$7,500,000) in additional recurring funds for the 2020-2021 fiscal year to be allocated to North
14 Carolina Agricultural and Technical State University to support its doctoral programs. The funds
15 shall be used to support new faculty and graduate student services for the doctoral programs,
16 including computer science, various engineering fields, energy and environmental systems,
17 education, agriculture, and rehabilitation counseling.

18 **PART VI. OFFSET FOR HOUSING REIMBURSEMENTS/UNC-GREENSBORO**

19 **SECTION 6.** There is appropriated from the General Fund to the Board of Governors
20 of The University of North Carolina the sum of four million dollars (\$4,000,000) in nonrecurring
21 funds for the 2020-2021 fiscal year to be allocated to the University of North Carolina at
22 Greensboro to offset reimbursements given to students for housing expenses due to the closing
23 of campus in response to Executive Order No. 116, Declaration of a State of Emergency to
24 Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.

25 **PART VII. BUILDING RESERVES FOR UNC-GREENSBORO PROJECTS**

26 **SECTION 7.(a)** There is appropriated from the General Fund to the Board of
27 Governors of The University of North Carolina the sum of nine hundred eighty-one thousand six
28 hundred ninety-three dollars (\$981,693) in recurring funds and seven hundred thirty-four
29 thousand two hundred sixty-seven dollars (\$734,267) in nonrecurring funds for the 2020-2021
30 fiscal year for the Building Reserve to be used for operation and maintenance of the Nursing and
31 Instructional Building at the University of North Carolina at Greensboro.

32 **SECTION 7.(b)** There is appropriated from the General Fund to the Board of
33 Governors of The University of North Carolina the sum of one hundred fifty-six thousand two
34 hundred fifty dollars (\$156,250) in recurring funds and seventy-one thousand nine hundred eight
35 dollars (\$71,908) in nonrecurring funds for the 2020-2021 fiscal year for the Building Reserve
36 to be used for operation and maintenance of the South Chiller Plant at the University of North
37 Carolina at Greensboro.

38 **PART VIII. GUILFORD COUNTY MENTAL HEALTH CRISIS CENTER**

39 **SECTION 8.(a)** There is transferred from the General Fund to the State Capital and
40 Infrastructure Fund the sum of seven million seven hundred thousand dollars (\$7,700,000) for
41 the 2020-2021 fiscal year.

42 **SECTION 8.(b)** There is appropriated from the State Capital and Infrastructure Fund
43 to the Office of State Budget and Management the sum of seven million seven hundred thousand
44 dollars (\$7,700,000) for the 2020-2021 fiscal year to provide a directed grant to Guilford County
45 for the construction of a mental health crisis center.

46 **PART IX. APPLICABILITY OF HOUSE BILL 966, 2019 REGULAR SESSION**

1 **SECTION 9.(a)** If House Bill 966, 2019 Regular Session, becomes law, subsection
2 (d) of Section 8.5 and Sections 8.7 and 8.14 of that act are repealed.

3 **SECTION 9.(b)** If House Bill 966, 2019 Regular Session, becomes law, and any
4 provision of that act or a provision of the Committee Report described in Section 42.2 of that act
5 conflicts with this act, this act shall control.

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7 **PART X. EFFECTIVE DATE**

8 **SECTION 10.** Except as otherwise provided, this act becomes effective July 1, 2020.