

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 528

Short Title: Public School HVAC Replacements. (Public)

Sponsors: Senators Salvador, Mayfield, and Waddell (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 4, 2023

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE CLEAN AIR GRANT PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Program; Purpose. – The Department of Public Instruction shall establish the Clean Air Grant Program (program) to provide grants to qualifying public school units to replace aging heating, ventilation, and air conditioning (HVAC) systems in schools. The purpose of the program is to improve ventilation in public schools and reduce the spread of infectious disease, including the coronavirus disease 2019.

SECTION 1.(b) Definitions. – For purposes of this act, a qualifying public school unit is a public school unit, as defined in G.S. 115C-5(7a), that meets the following criteria:

- (1) Is located in a county designated as a development tier one area pursuant to G.S. 143B-437.08.
- (2) Has a school with an HVAC unit that was manufactured at least 15 years prior to the date the school applies for a grant pursuant to the program.

SECTION 1.(c) Applications, Criteria, and Guidelines. – A qualifying public school unit may submit an application to the Department of Public Instruction for one or more grants to replace an aging HVAC system in a school in the unit. No later than August 1, 2023, the Department of Public Instruction shall develop criteria and guidelines for the administration of the program pursuant to this section, including at least the following:

- (1) Deadlines for applications from qualifying public school units.
- (2) Any information to be included by a public school unit with its grant application.

SECTION 1.(d) Award of Funds. – No later than December 31, 2023, the Department shall award grants to qualifying public school units based on at least the following requirements:

- (1) Grants shall only be used to replace an HVAC system that was manufactured at least 15 years prior to the date the unit applies for a grant pursuant to the program.
- (2) No public school unit shall receive more than two million eight hundred thousand dollars (\$2,800,000) in grant funds for an individual school in the unit.
- (3) Any HVAC system purchased with grant funds provided pursuant to the program shall comply with all applicable standards and guidance for air quality from the following entities:
 - a. The Centers for Disease Control and Prevention.



- 1 b. The American Society of Heating, Refrigerating and Air-Conditioning
- 2 Engineers.
- 3 (4) The Department shall prioritize qualifying public school units with the
- 4 greatest need, according to a method to be developed by the Department.
- 5 **SECTION 1.(e)** Supplement Not Supplant. – Grants provided to qualifying public
- 6 school units pursuant to the program shall be used to supplement State or non-State funds already
- 7 provided for building maintenance and not supplant those funds.
- 8 **SECTION 1.(f)** Survey. – No later than December 31, 2023, the Department shall
- 9 survey all public school units for the following information:
- 10 (1) The number of schools with an HVAC system that was manufactured at least
- 11 15 years prior to the date of the survey.
- 12 (2) The number of schools with an HVAC system that was manufactured at least
- 13 20 years prior to the date of the survey.
- 14 (3) The cost to replace all HVAC systems identified in subdivisions (1) and (2)
- 15 of this subsection.
- 16 **SECTION 1.(g)** Report. – No later than March 15, 2024, the Department shall report
- 17 the following information to the Joint Legislative Education Oversight Committee and the Fiscal
- 18 Research Division:
- 19 (1) The identity of each qualifying public school unit that received a grant through
- 20 the program.
- 21 (2) The amount of funding provided to each unit that received a grant through the
- 22 program.
- 23 (3) The use of funds by each entity that received a grant through the program.
- 24 (4) Recommendations for the implementation of additional measures to improve
- 25 ventilation in schools.
- 26 (5) The results of the survey taken pursuant to subsection (f) of this section.
- 27 **SECTION 1.(h)** Appropriation. – There is appropriated from the General Fund to
- 28 the Department of Public Instruction the sum of one hundred fifty million dollars (\$150,000,000)
- 29 in nonrecurring funds for the 2023-2024 fiscal year to provide grants to qualifying public school
- 30 units to replace aging HVAC units pursuant to the program.
- 31 **SECTION 2.** Effective Date. – This act becomes effective July 1, 2023.