

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 778
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/4/09
House Committee Substitute Favorable 7/8/10

Short Title: Application of SEPA to Incentives.

(Public)

Sponsors:

Referred to:

March 25, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT AN ENVIRONMENTAL DOCUMENT UNDER THE
3 STATE ENVIRONMENTAL POLICY ACT IS NOT REQUIRED IN CONNECTION
4 WITH PROJECTS THAT RECEIVE PUBLIC MONIES IN THE FORM OF CERTAIN
5 ECONOMIC INCENTIVES PAYMENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113A-12 reads as rewritten:

8 "**§ 113A-12. Environmental document not required in certain cases.**

9 No environmental document shall be required in connection with:

- 10 (1) The construction, maintenance, or removal of an electric power line, water
11 line, sewage line, stormwater drainage line, telephone line, telegraph line,
12 cable television line, data transmission line, or natural gas line within or
13 across the right-of-way of any street or highway.
- 14 (2) An action approved under a general permit issued under G.S. 113A-118.1,
15 143-215.1(b)(3), or 143-215.108(c)(8).
- 16 (3) A lease or easement granted by a State agency for:
17 a. The use of an existing building or facility.
18 b. Placement of a wastewater line on or under submerged lands
19 pursuant to a permit granted under G.S. 143-215.1.
20 c. A shellfish cultivation lease granted under G.S. 113-202.
- 21 (4) The construction of a driveway connection to a public roadway.
- 22 (5) A project for which public monies are expended if the expenditure is solely
23 for the payment of incentives pursuant to an agreement that makes the
24 incentive payments contingent on prior completion of the project or activity,
25 or completion on a specified timetable, and a specified level of job creation
26 or new capital investment."

27 **SECTION 2.** This act becomes effective June 1, 2010, but does not apply to any
28 pending litigation or orders issued by a court of competent jurisdiction prior to that date.

