

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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HOUSE BILL 723

Short Title: Clarify SEPA /Economic Incentives Exclusion. (Public)

Sponsors: Representatives Harrison, Hamilton, McGrady, and Justice (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

April 7, 2011

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE EXCLUSION FROM ENVIRONMENTAL REVIEW FOR
PROJECTS RECEIVING ECONOMIC INCENTIVES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-9 is amended by adding a new subdivision to read:

"(5a) "Major environmental impact" means, with respect to a project which requires an action subject to this Article, any of the following:

a. The project requires a permit under G.S. 143-215.1.

b. The project requires a permit under G.S. 143-215.108.

c. The project requires a major development permit under Article 7 of Chapter 113A of the General Statutes.

d. The project requires approval of an erosion and sedimentation control plan under Article 4 of Chapter 113A of the General Statutes."

SECTION 2. G.S. 113A-12 reads as rewritten:

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

No environmental document shall be required in connection with:

(1) The construction, maintenance, or removal of an electric power line, water line, sewage line, stormwater drainage line, telephone line, telegraph line, cable television line, data transmission line, or natural gas line within or across the right-of-way of any street or highway.

(2) An action approved under a general permit issued under G.S. 113A-118.1, 143-215.1(b)(3), or 143-215.108(c)(8).

(3) A lease or easement granted by a State agency for:

a. The use of an existing building or facility.

b. Placement of a wastewater line on or under submerged lands pursuant to a permit granted under G.S. 143-215.1.

c. A shellfish cultivation lease granted under G.S. 113-202.

(4) The construction of a driveway connection to a public roadway.

(5) A project for which public monies are expended if the expenditure is solely for the payment of incentives pursuant to an agreement that makes the incentive payments contingent on prior completion of the project or activity, or completion on a specified timetable, and a specified level of job creation or new capital investment. This subdivision does not apply to projects having a major environmental impact as defined in G.S. 113A-9."



1 **SECTION 3.** This act is effective when it becomes law and applies to projects
2 receiving economic incentive payments on or after that date.