

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 778

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/4/09  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S778-PCS55643-SB-102

Short Title: Application of SEPA to Incentives.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN ENVIRONMENTAL DOCUMENT UNDER THE  
STATE ENVIRONMENTAL POLICY ACT IS NOT REQUIRED IN CONNECTION  
WITH PROJECTS THAT RECEIVE PUBLIC MONIES IN THE FORM OF CERTAIN  
ECONOMIC INCENTIVES PAYMENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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.

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



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