

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 1611

Short Title: Lengthen Investment Period for M&E Incentive. (Public)

Sponsors: Representatives Gibson and Wainwright (Primary Sponsors).

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Finance.

May 7, 2009

A BILL TO BE ENTITLED
AN ACT TO LENGTHEN THE PERIOD FOR AN ELIGIBLE DATACENTER TO INVEST
IN IMPROVEMENTS TO REAL PROPERTY OR INSTALLED MACHINERY AND
EQUIPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-187.50 reads as rewritten:

"§ 105-187.50. Definitions.

The definitions in G.S. 105-164.3 apply in this Article. In addition, the following definitions apply in this Article:

- (1) Concurrently maintainable. – Capable of having any capacity component or distribution element serviced or repaired on a planned basis without interrupting or impeding the performance of the computer equipment.
- (2) Eligible datacenter. – A facility that provides infrastructure for hosting or data processing services and satisfies each of the following conditions:
 - a. The facility's power and cooling systems are created and maintained to be concurrently maintainable and include redundant capacity components and multiple distribution paths serving the computer equipment at the facility. The facility must have multiple distribution paths serving the computer equipment; however, a single distribution path may serve the computer equipment at any one time.
 - b. The Secretary of Commerce has made a written determination of the following:
 1. For facilities that are located in a development tier one area at the time of application for the written determination, that at least one hundred fifty million dollars (\$150,000,000) in private funds has been or will be invested in improvements to real property or installed datacenter machinery and equipment, or a combination thereof, within five years of the date on which the ~~first qualifying improvement is made~~, certificate of occupancy is received, regardless of any subsequent change in county development tier status.
 2. For facilities that are not located in a development tier one area at the time of application for the written determination, that at least three hundred million dollars (\$300,000,000) in private funds has been or will be invested in improvements to real property or installed datacenter machinery and equipment, or a combination thereof, within five years of the



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- 1 date on which the ~~first qualifying improvement is made,~~
2 certificate of occupancy is received, regardless of any
3 subsequent change in county development tier status.
- 4 c. The facility satisfies the wage standard and health insurance
5 requirements of G.S. 105-129.83.
- 6 (3) Multiple distribution paths. – A series of distribution paths configured to
7 ensure that failure on one distribution path does not interrupt or impede other
8 distribution paths.
- 9 (4) Redundant capacity components. – Components beyond those required to
10 support the computer equipment."
- 11 **SECTION 2.** This act becomes effective January 1, 2010.